

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/29/05 Time: 8:30 am Dept/Div: 2

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Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 34 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: P. FLEITMAN
Court Reporter DeLacy K.

At 8:30 a.m. the Jury arrives and continues deliberations
At 11:25 a.m. -

The jury sends a question to the court via the bailiff.
Question #8 reads "We would like to hear Susan's
testimony on the van ride to Roseville on
November 2nd and November 10th"
The Clerk puts a conference call together and
the answer is the read-back of testimony as
requested.

At 12:00 p.m. the Jury takes lunch until 1:30 p.m.

At 1:15 p.m. or 2:15 p.m:
The jury sends a question to the court via the bailiff.
Question #9 reads "There is an overlap in
dates for some charges. If we find the defendant
guilty on a charge that covers a small time frame
like a few days - would that automatically render
a guilty verdict on a charge with a larger time
frame - say 2 months - when that smaller time
falls within the larger time frame?"
The Defendant and Counsel appear by conference
call with the Court.
A 2 page typed response is provided to the
Jury.

At 16:30 p.m. on the record - Counsel are not present -
the Court reminds the Jury of the admonishment
and they will return Jan. 03 - 2006 at 8:30 a.m.

Jury Trial (In Progress) to resume 01/03/2006, at 8:30, in
Dept. 2.

CUSTODY STATUS

2/23/06

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.

RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/28/05

Time: 8:30 am

Dept/Div: 2

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 33 ****

Honorable Judge EDDIE T. KELLER presiding
Court Reporter DeLacy K.
Clerk: P. FLEITMAN

At 8:30 a.m. the Jury arrives to continue deliberations.
The Jury does not send out any questions.
At 12:15 p.m. the Jury takes a noon recess until 1:20 p.m.

Deliberations continue all afternoon without
jury questions.

At 16:30 p.m. the Jury retires for the day.

Jury Trial (In Progress) to resume 12/29/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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JURY TRIAL (In Progress)

Date: 12/22/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 32 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

At 8:30 a.m. the Jury arrives and resumes deliberations.

At 8:40 a.m. -

The jury sends a question to the court via the bailiff.

Question #6 reads "Do CALJIC 5.50 - 5.51

5.52 & 5.55 refer only to Count 17 or to all
counts?"

At 8:58 a.m. -

On the record - in chambers; the Court is
present and all other parties are on the speaker
phone for a conference call re: Question #6.

At 9:00 a.m. the answer to Question #6 is sent into
the Jury and reads "Only Count 17".

Court Reporter K. DeLacy reads back testimony
to the Jury (part of yesterday's request).
Jury deliberations continue.

The Jury takes breaks and lunch recess as
watched by the Bailiff.

At 15:00 p.m. -

The jury sends a question to the court via the bailiff.

Question #7 reads "Please explain the meaning of

3.31. Does 3.31 add requirements to findings in

Counts 1 - 6 - 11 and 15. If so - please explain
the requirements in layman terminology."

The Clerk and Court Reporter confer in chambers
and the Clerk puts all parties including the Judge
on a conference call by speaker phone - as
put forth on the record.

An answer is formulated and returned to the Jury
at 3:30 p.m. and reads "CALJIC 3.31 requires that
the act constituting the crime - and the specific

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

intent constituting the crime exist at the same
time. 3.31 does not add requirements. Specific
intent of the crime means they have to have that
particular thought in mind at the time of the
charged offense. In Count One - the intent at
issue is defined by element 2 of instruction 9.90.
As to Counts Six - Eleven and Fifteen - the intent
at issue is defined by element 2 of instruction
9.94."

At 16:30 p.m. or thereabout - the Jury retires for the day

Jury Trial (In Progress) to resume 12/28/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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JURY TRIAL (In Progress)

Date: 12/21/05 Time: 8:00 am Dept/Div: 2

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Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 31 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

At 8:18 a.m. Clerk S. Dahlgren calls Defendant Hamlin at
the Jail via Ms. Gilmer's office (Inmate Services)
and informs him that the Jury wants Exhibits
176 and 177.

Defendant Hamlin has no problem with the Jury
having those exhibits.
Exhibit #s 176 and 177 are admitted.
Exhibit #s 176 and 177 will be given to the Jury.

At 8:40 a.m. the Jury arrives and resumes deliberations.
All breaks are handled by the Bailiff.

At 9:03 a.m. -

The jury sends a question to the court via the bailiff.
Question # 1 reads "We know that it takes 12
votes for a guilty verdict. Does it also take 12
vote for a not guilty verdict? In other words can
one juror control the outcome or if we don't have
12 votes for not guilty - can we just rule a no
verdict on that count? Do we have to have
verdicts on all 18 counts?"

A conference call is put together on the record
in chambers.

R. Banning is present in person and the Court
People and Defendant Hamlin are present via
speaker phone.

Question #1 is discussed as put forth on the
record.

The answer to Question #1 reads "In order to
reach a guilty or not guilty verdict it must be
unanimous. You have a right to not reach a
verdict if you cannot all agree. Re-read jury
instructions 17.40 and 17.41."

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 9:45 a.m. the answer is given to the Jury.

At 11:50 a.m. the Jury takes lunch until 1:00 p.m.

*** NOON RECESS ***

At 13:00 p.m. (about) the Jury resumes deliberations.

At 13:47 p.m. -

The jury sends a question to the court via the bailiff.

The Jury sends Question #s 2 and 3.

Question #2 reads "Need testimony of Alec
regarding the date he first heard of molest by
mother. (need readback) Oct 26 - 2005 after
1 pm probably 1 pm 1:45 pm"

Question #3 reads "11-11-2005 Ryan testimony
need (readback) in morning regarding social
worker meetings"

The Clerk calls the Court and all parties
separately and Defendant Hamlin wants a conference
call put together with the Court and all parties.

Per Counsel; Question #3 sent back to the Jury
for clarification because 11-11-05 was a Friday
and the jury trial was not in session.

The Jury amends Question #3 regarding the date
only to "10-26-2005".

Call delayed to allow Court Reporter DeLacy to
locate the testimony.

At 14:24 p.m. conference call held in chambers - on
the record - with the Court - People - R. Banning
and Defendant Hamlin.

Discussion regarding Question #s 2 & 3.

At 14:32 p.m. call ends.

Court Reporter DeLacy reads back testimony to
the Jury for a few minutes.

At 15:35 p.m. -

The jury sends a question to the court via the bailiff.

Question #4 reads "We would like to hear the
testimony from Ryan regarding his supervised
visit with his mother Susan."

Question #5 reads "We would like to hear the
testimonies from Ryan - Alec and Susan where they
reference Super Bowl Sunday."

The Clerk calls the Court and all parties - and
no one has a problem with the readback.

At 16:20 p.m. the Court Reporter is finished with
the requested read-back of testimony to the Jury.
Some of the read-back will be finished tomorrow.

At 16:30 p.m. the Jury leaves for the day.

Jury Trial (In Progress) to resume 12/22/2005, at 8:30, in

2/23/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN

Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/20/05 Time: 8:30 am Dept/Div: 2

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Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 30 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser
present.

At 8:34 a.m. court convenes on the record.
Jury present in place.
Defense Hamlin continues with his closing
argument.
Court recesses at 0940; reconvenes at 0952.
All present as before.
Jury present in place.
Defense Hamlin continues with closing.
At 11:11 a.m. Defense concludes his closing argument.
Court recesses at 1112; reconvenes at 1117.
On break; bench conference held briefly off-rec.
re: schedule.
All present as before.
Jury present in place.
The Court informs the Jury that court will break
for lunch now and to return at 12:30 a.m.

*** NOON RECESS ***

At 12:35 p.m. court reconvenes on the record.
All present as before.
Jury present in place.
The People give their final closing argument.
At 13:40 p.m. the Court reads final instructions to Jury.
At 13:44 p.m. -

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Bailiff is sworn to take charge of the jury and alternate(s).
The Court instructs the Alternates as to their
duties.

Jury begins deliberating at 13:45.

Blf. K. Schmalz replaced by K. Danielson later
in the afternoon.

At 15:45 p.m. or around - Exh. #44 now redacted and that
copy is marked for identification and admitted.
People's Exhibit(s) #44-A is/are marked for ID purposes.
People's exhibit(s) #44-A is/are Admitted into evidence.
Exhibit #44-A given to the Jury.

At 16:20 p.m. the Jury leaves for the day.
As the Jury leaves - the foreperson informs
the Bailiff that the Jury would like to see the
DNA exhibits - Power Point etc. - and they are not
in the box.

As Exhibit #s 176 and 177 were not admitted; the
Court speaks to the People and Co-Defense Cnsl.
R. Banning via conference call regarding the
Jury's request.

Neither the People or Co-Defense Banning object
to allowing the Jury to have the above-named
exhibits.

The Court directs the Clerk to call Mr. Hamlin in
the morning and get his approval.
Then give the exhibits to the Jury.

Jury Trial (In Progress) to resume 12/21/2005, at 8:00, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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JURY TRIAL (In Progress)

Date: 12/19/05 Time: 8:00 am Dept/Div: 2

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Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 29 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser pres.

Court convenes on the record with all parties
present out of the Jury's presence.
Defendant Hamlin found Exhibit #228 in his
stuff and returns it to the court.
The Court informs Counsel that the transcript
exhibits that were admitted are #s: 8A - 13A
14A - 15A - 28A - 29A - 30A - 31A - 36A
37A - 223A - 229A & 297A.

Oral motion on behalf of the People regarding to amend dates
specified on Count 9
Dates amended to between 01-01-04 and 02-28-04.
No objection by the Defense.
Motion is GRANTED.

Specified dates of Count 17 are as already listed.

Regarding Exhibit #10; letter from Ryan to Dad:
Oral motion on behalf of the People regarding to admit Exhibit
#10.
The Defendant objects.
Motion is DENIED.
Exhibit #10 will not be admitted.

Re: Exhibit #44; notes to Strasser: the People
will continue to go over after closing arguments

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
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and present the document later.

At 8:28 a.m. off-record break.

At 8:46 a.m. the Jury is brought into the courtroom.

Copies of instructions are handed out to the Jury.

Back on record: the Court informs the Jury of
the changes to Count 9 - specified dates.

The Court reads jury instructions to the Jury.

Court recesses at 0940; reconvenes at 0956.

All present as before.

Jury present in place.

The People give their closing argument.

Court recesses at 1051; reconvenes at 1104.

All present as before.

Jury present in place.

The People resume closing argument.

Bench Conference Held/Reported 12:10.

Out of Jury's presence.

At 12:30 p.m. NOON RECESS

At 13:37 p.m. court reconvenes on the record.

All present as before.

Jury present in place.

Defense Hamlin gives his closing argument.

Court recesses at 1417; reconvenes at 1427.

All present as before.

Jury present in place.

Defense Hamlin continues with closing.

Court recesses at 1521; reconvenes at 1535.

All present as before.

Jury present in place.

Defense Hamlin continues with closing.

Court recesses at 1624; reconvenes at 1628.

All present as before.

Jury present in place.

Due to a Juror needing to be at work by 5:00 p.m.;

the Court excuses the Jury until tomorrow at

8:30 a.m. and they leave the courtroom.

The Court and Counsel discuss exhibits.

#s 250 and 251 are "out".

Exh. #44 is being redacted by the People.

At 16:35 p.m. court adjourns.

Jury Trial (In Progress) to resume 12/20/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

2/23/06

Page: 3

Case Number : P04CRF0132

People vs. RICHARD HAMLIN

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Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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JURY TRIAL (In Progress)

Date: 12/16/05 Time: 3:00 pm Dept/Div: 2

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Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 28 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

At 15:22 p.m. court convenes on the record.
The Court and Counsel go over jury instructions.
Defense discusses 1101 Evid. Code issues.
Oral motion on behalf of Defense regarding dismiss certain count
per 1118.1 PC.
As stated on the record.
Court and Counsel also discuss lesser-included
instructions.

Defendant Hamlin informs the Court that he
will do the entire closing argument for Defense.
Rulings on the record as to the motions.

Clarification of exhibits: #228 is missing and
Counsel are to check their stuff.
All duplicates and transcripts are admitted.
The transcripts that are admitted are #s: 8A
13A - 14A - 15A - 28A - 29A - 30A - 31A - 36A
37A - 223A - 229A & 297A.

Duplicate exhibits are #s: 232 - 240 - 286
288 - 292 - 293 & 300.
Re: Exhibit #255; bag of 11 books - the People
took back one book and it is now a bag of 10
books.

As to Exhibit #226 - Power And Control Wheel -
the Court directs that the CD / Power Point copy

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN

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of the item is to be marked as #226A but not
admitted.

At 16:35 p.m. court is adjourned.
Jury Trial (In Progress) to resume 12/19/2005, at 8:00, in
Dept. 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/15/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 27 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser pres.

At 8:35 a.m. court convenes in chambers on the record
with Counsel and the Defendant.
Defense Banning discusses issues re: Terri Aal
and bruising of Susan and a stipulation.
The issue of the People's rebuttal case; Defense
wants an offer of proof etc.
Discussion as stated on the record until 9:05 a.m.

Break.

At 9:15 a.m. -
Jury present in place.
All parties present - Defense Banning reads a
stipulation.

PEOPLE'S REBUTTAL CASE:

The People's witness DAVID STEWART - previously
sworn - is called and examined by the People.
Defense elects not to cross-examine.
Witness is thanked and excused.

At 9:20 a.m. -
People's witness SHANNON LANDRY - previously
sworn - is called and examined by the People.
Defense elects not to cross-examine.
Witness is thanked and excused.

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 9:23 a.m. -

People's witness SUSAN HAMLIN - previously sworn
is called and examined by the People.

At 9:45 a.m. G. Ryan replaces S. Dahlgren as Jud. Asst.
Court recesses at 1000; reconvenes at 1012.

All present as before.

Jury present in place.

Testimony resumes.

Cross examination of witness by Defense Banning.

Witness is thanked and excused.

At 10:28 a.m. court is adjourned for the day and the
Court directs the Jury to return Monday at 8:30 am

The Court and Counsel will meet tomorrow (Friday)
at 3:00 p.m. to go over jury instructions etc.

Jury Trial (In Progress) to resume 12/16/2005, at 15:00, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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JURY TRIAL (In Progress)

Date: 12/14/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 26 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser
present.

At 8:30 a.m. court convenes on the record outside the
Jury's presense and a bench conference is held.
Discussion re: scheduling etc.

At 8:37 a.m. -

Jury present in place.

DEFENSE CASE IN CHIEF continued:

Defense witness RICHARD HAMLIN - previously
sworn - returns to the witness stand and is further
examined on direct by Defense Banning.
Defendant's exhibit(s) #297 and 297-A is/are marked for
identification purposes only.

Exhibit #297 - CD/video of Richard Hamlin
interview on 2-28-04 is played for the Jury with
the stipulation that the Court Reporter need not
transcribe the contents.

Court recesses at 1000; reconvenes at 1015.

All present as before.

Jury present in place.

The video resumes playing until 10:40 a.m. then
Defense Banning continues with direct examination.

At 10:43 a.m. -

Cross examination of witness by the People.

Court recesses at 1100; reconvenes at 1116.

All present as before.

Jury present in place.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

The People resume cross-examination.

*** NOON RECESS ***

At 13:20 p.m. (or near) court reconvenes out of the Jury's presence and a bench conference is held.

At 13:25 p.m. -

Jury present in place.

All present as before.

The People continue with cross-examination of the witness.

People's Exhibit(s) #298 - 299 - 300 & 301. is/are marked for ID purposes.

Testimony resumes.

Court recesses at 1427; reconvenes at 1447.

All present as before.

Jury present in place.

Cross-examination by the People continues.

Court recesses at 1508; reconvenes at 1521.

All present as before.

Jury present in place.

No further questions.

Witness is thanked and excused.

The Defense Rests.

Schedule discussed off the record.

At 15:26 p.m. the Court directs the Jury to return tomorrow at 8:30 a.m. and they are excused.

After a short break; the Court and Counsel go over exhibits on the record.

The following exhibits are admitted:

People's exhibit(s) 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 & 18B is/are Admitted into evidence.

People's exhibit(s) 38 - 19 - 40 & 41 is/are Admitted into evidence.

Defendant's exhibit(s) 45 - 46 - 47 - 48 - 49 - 50 & 51 is/are admitted into evidence.

Defendant's exhibit(s) 85 - 86 - 87 - 88 - 89 - 90 - 91 - 92 - 93 & 94 is/are admitted into evidence.

Defendant's exhibit(s) 95 - 96 - 97 - 99 - 101 - 102 - 103 - 104 & 105 is/are admitted into evidence.

Defendant's exhibit(s) 106 - 107 - 108 - 109 - 110 - 111 - 112 & 113 is/are admitted into evidence.

Defendant's exhibit(s) 114 - 115 - 116 - 117 - 118 - 119 - 120 - 121 - 122 is/are admitted into evidence.

Defendant's exhibit(s) 123 - 124 - 125 - 126 - 127 - 128 - 129 - 130 is/are admitted into evidence.

Defendant's exhibit(s) 131 & 132 is/are admitted into evidence.

Defendant's exhibit(s) 134 is/are admitted into evidence.

People's exhibit(s) 138 - 139 & 140 is/are Admitted into evidence.

People's exhibit(s) 180 - 181 - 181A - 182 - 182A - 43A - 35A

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

is/are Admitted into evidence.

People's exhibit(s) #229A & 230 is/are Admitted into evidence.

Defendant's exhibit(s) 231 - 235 - 236 & 237 is/are admitted into evidence.

People's exhibit(s) 252 - 253 - 255 - 256 - 257 - 258 & 259 is/are Admitted into evidence.

People's exhibit(s) 260 & 261 is/are Admitted into evidence.

People's exhibit(s) #269 is/are Admitted into evidence.

Defendant's exhibit(s) #271 - 272 - 273 - 274 - 275 - 276 - 277 & 278 is/are admitted into evidence.

Defendant's exhibit(s) #279 - 280 - 281 - 282 - 283 - 284 - 285 - 286 is/are admitted into evidence.

Defendant's exhibit(s) #S 287 - 288 - 289 - 290 - 291 - 292 - 293 & 294

Defendant's exhibit(s) #S 295 - 296 & 297 is/are admitted into evidence.

People's exhibit(s) #S 298 - 299 - 300 & 301 is/are Admitted into evidence.

The following exhibits are "out":

#s 9 - 18A - 52 - 100 - 133 and all sub-parts A to
T - 135 - 137 - 220 - 228 - 232 - 233 - 234 - 240
254 - 262 - 263 - 264 - 265 - 266 - 267 - 268
270.

The following exhibits are on "hold" for further consideration:

#s 250 - 251 & 297A.

At 16:40 p.m. court adjourns.

Jury Trial (In Progress) to resume 12/15/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/13/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 25 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser pres.

Exhibits pre-marked off the record:
Defendant's exhibit(s) #282 through 294 is/are marked for
identification purposes only.

At 8:33 a.m. court convenes on the record out of the
Jury's presence.

The Court informs Counsel that certain parties
are now excluded from the courtroom audience
as put forth on the record due to perceived
reactions to testimony on Thursday.

At 8:36 a.m. now off record.

At 8:45 a.m. -

Jury present in place.

DEFENSE CASE IN CHIEF continued:

Defense witness RICHARD HAMLIN - previously
sworn - returns to the witness stand and is again
examined on direct by Defense Banning.

At 9:45 a.m. approximately a break is called.

At 9:56 a.m. court reconvenes on the record.

Jury present in place.

All present as before.

Testimony resumes.

Court recesses at 1051; reconvenes at 1106.

All present as before.

Jury present in place.

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Testimony resumes.

At 11:58 a.m. the Court directs the noon recess.

*** NOON RECESS ***

At 13:20 p.m. court reconvenes on the record.

All present as before.

Jury present in place.

Testimony resumes.

Defendant's exhibit(s) #295 is/are marked for identification purposes only.

Court recesses at 1428; reconvenes at 1442.

All present as before.

Jury present in place.

Testimony resumes.

Defendant's exhibit(s) #296 is/are marked for identification purposes only.

Court recesses at 1537; reconvenes at 1550.

All present as before.

Jury present in place.

Direct examination by Defense Banning cont.

At 16:30 p.m. the Court excuses the Jury for the day - directing them to return tomorrow at 8:30 a.m.

Court is adjourned.

Jury Trial (In Progress) to resume 12/14/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/08/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B) 5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 24 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Rich Strasser
present.

At 8:37 a.m. court convenes on the record.
Jury present in place.
DEFENSE CASE IN CHIEF continued:
Defense witness KATE CAMPBELL CRAVEN
sworn yesterday - is called to the witness stand
and is examined by Defense Hamlin.
Cross examination of witness by the People.
Re-direct of witness by Defense Hamlin.
Witness is thanked and excused.

At 8:48 a.m. -
Defense's Witness RICHARD WILLIAM HAMLIN sworn and testifies.
Examined by Defense Banning.
Court recesses at 0942; reconvenes at 0955.
All present as before.
Jury present in place.
Testimony resumes.
Court recesses at 1045; reconvenes at 1100.
All present as before.
Jury present in place.
Testimony resumes.
Defendant's exhibit(s) #271 - 272 & 273 is/are marked for
identification purposes only.
At 12:00 p.m. the Court directs the noon recess and the
Jury leaves.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Bench conference held on the record for a few minutes.

*** NOON RECESS ***

At 13:22 p.m. court reconvenes on the record.
All present as before.
Jury present in place.
Richard Hamlin is back on the witness stand and is again examined by Defense Banning.
Defendant's exhibit(s) #274 - 275 and 276 is/are marked for identification purposes only.
Court recesses at 1400; reconvenes at 1408.
All present as before.
Jury present in place.
Testimony resumes.
Defendant's exhibit(s) #277 is/are marked for identification purposes only.
Court recesses at 1458; reconvenes at 1510.
All present as before.
Jury present in place.
Testimony resumes.
Defendant's exhibit(s) #278 & 279 is/are marked for identification purposes only.
Testimony resumes.
At 16:10 p.m. the Jury is given a break and the Court and Counsel continue with a bench conference.
At 16:17 p.m. court reconvenes on the record.
All present as before.
Jury present in place.
Testimony resumes.
Defendant's exhibit(s) #280 & 281 is/are marked for identification purposes only.
At 16:33 p.m. court recesses for the day until Tuesday 12-13-05 at 8:30 a.m.
The Court and Counsel will meet tomorrow at 3:00 p.m. to go over jury instructions.

Jury Trial (In Progress) to resume 12/09/2005, at 15:00, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/07/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 23 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer R. Strasser present
Defense Investigator Cynthia Hayes present in
the audience.

At 8:35 a.m. the Court and Counsel confer in chambers
on the record regarding the People's concerns
with Dr. Roeder's evaluation of the interviews
of Alec and Ryan by Det. Strasser.
Argument and the Court rules as on the record.

At 8:40 a.m. court convenes on the record in the court-
room.
Jury present in place.
All parties present.

DEFENSE CASE IN CHIEF continued:
Defense witness RITA HAGGERTY - previously
sworn - is called and examined by Defense Hamlin.
The People elect not to cross-examine.
Witness is thanked and excused.

At 8:45 a.m. -
Defense's Witness EUGENE P. ROEDER sworn and testifies.
Direct examination by Defense Hamlin.
Cross examination of witness by the People.
Court recesses at 0940; reconvenes at 0955.
All present as before.
Jury present in place.
Cross-examination continues.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Re-direct of witness by Defense Hamlin.
Witness is thanked and excused.

At 10:04 a.m. -
Defense's Witness DAVID STEWART sworn and testifies.
Cross examination of witness by the People.
Witness is thanked and excused.

Bench Conference Held/Reported 10:17.
Court recesses at 1020; reconvenes at 1033.
All present as before.
Jury present in place.

Defense's Witness JENNIFER HAMILTON sworn and testifies.
Direct examination by Defense Hamlin.
Cross examination of witness by the People.
People's Exhibit(s) #269 is/are marked for ID purposes.
Re-direct of witness by Defense Hamlin.
Witness is thanked and excused.

At 10:58 a.m. -
Defense's Witness KATE CAMPBELL CRAVEN sworn and testifies.
Witness sworn then - -
After a brief bench conference;
Court recesses at 1102; reconvenes at 1110.
Court reconvenes out of the Jury's presence.
The Court asks Ms. Campbell Craven to wait
in the lobby.
The Court and Counsel hold a discussion on the
record re: discovery etc.
The Court rules will allow the witness but she
must turn over all 12 pages of her notes etc. as
the People only have one page.
Further discussion as on the record.
At 11:24 a.m. Ms. Campbell Craven brought into court and
the Court informs her she is excused for the day
but should return tomorrow at 8:30 a.m.

At 11:25 a.m. the Jury is brought back into court.
All present as before.
Defense's Witness RON SHORT sworn and testifies.
Cross examination of witness by the People.
Re-direct of witness by Defense.
Re-cross of witness by the People.
Witness is thanked and excused.

At 12:04 p.m. the Court directs the noon recess until
1:30 p.m. and they leave the courtroom.
Scheduling etc. discussed.

At 12:15 p.m. noon recess.

At 13:35 p.m. court reconvenes on the record.
All present as before.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Jury present in place.
Defense witness RICHARD STRASSER called -
previously sworn - is examined by Defense Hamlin.
The People elect not to cross-examine.
Witness is thanked and excused.

At 13:45 p.m. the Court excuses the Jury for the day
and directs them to return tomorrow at 8:30 a.m.
The Jury leaves the courtroom.
The Court and Counsel continue discussion as
on the record re: schedule - editing of the
Defendant's statement etc.

At 15:50 p.m. now in chambers on the record:
The Court - Counsel and Det. Strasser present.
The Court calls Jeff Anspach the District Atty.'s
computer person - on the speaker phone and
discuss the editing of the Defendant's interview.
Then the "Kent Hallmeyer" issue is discussed.
Defense object to the witness and Counsel argue.
The Court rules as put forth on the record.

At 14:12 p.m. court is adjourned for the day.

Jury Trial (In Progress) to resume 12/08/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/06/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 22 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning also present.

People's Investigating Officer Det. Rich Strasser
present.

At 8:33 a.m. court convenes in chambers on the record
regarding the requested warrant for witness Jenny
Love Hamilton.

The People contend that Ms. Hamilton is over
150 miles away and Defense must comply with
Penal Code Section 1330 before a warrant can
be issued.

The Court directs Defense to comply with
Penal Code Section 1330.

Discussion re: other witness; Jan Whitfield.
The People will challenge Mr. Matley as a
handwriting expert - argument as on the record.
The Court will listen to the witness in a
402 E. C. Hearing.

At 8:45 a.m. court reconvenes in the courtroom.
Jury present in place.

DEFENSE CASE IN CHIEF continued:
Defense's Witness JAN WHITFIELD sworn and testifies.
Direct examination by Defense Hamlin.
Cross examination of witness by the People.
Re-direct of witness by Defense Hamlin.
Witness is thanked and excused.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Court recesses at 0852; reconvenes at 0858.
Court reconvenes out of the Jury's presence.
402 Evidence Code Hearing:
Defense's Witness MARCEL B. MATLEY sworn and testifies.
Direct examination by Defense Hamlin.
Defendant's exhibit(s) #262 - 263 - 264 - 265 - 266 & 267 is/are
marked for identification purposes only.
Cross examination of witness by the People.
Court recesses at 1018; reconvenes at 1031.
All present as before.
Cross-examination continues.
Direct examination by the Court.
Re-cross of witness by the People.
The witness is asked to wait in the lobby.
At 11:00 a.m. Counsel argue regarding the 402 EC Hearing.
Witness Matley is brought back into court
and is further questioned by Defense Hamlin
then by the Court again - then steps out of the
courtroom again.
Further argument and the Court rules that witness
Matley will not be allowed to testify.

At 11:40 a.m. court is on a break.
At 11:45 a.m. the Court directs the noon recess until
1:15 a.m.

*** NOON RECESS ***

At 13:26 p.m. court reconvenes on the record with all
parties again present.
Jury present in place.
Defense's Witness COLIN ANDREW ROSS sworn and testifies.
Court recesses at 1430; reconvenes at 1445.
Direct examination by Defense Hamlin continued.
Defendant's exhibit(s) #268 is/are marked for identification
purposes only.
Cross examination of witness by the People.
Re-direct of witness by Defense Hamlin.
Re-cross of witness by the People.
Witness is thanked and excused.

Court recesses at 1535; reconvenes at 1616.
All present as before.
Jury present in place.
Long break due to waiting for witness Dr.
Stewart.
At 16:16 p.m. the Court excuses the Jury until tomorrow
at 8:30 a.m. then off-record.

At 14:24 p.m. witness Dr. Stewart arrives
directs him to return tomorrow at 8:30 a.m.

Jury Trial (In Progress) to resume 12/07/2005, at 8:30, in

2/23/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN

=====

Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

CALENDAR ADD-ON RE: PEOPLE'S MOTION TO EXCLUDE WITNESS

Date: 12/05/05 Time: 3:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 21 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

Court convenes on the record.
Defense requests that their expert in handwriting
Marcel B. Matley - be allowed to examine
Exhibit #s 33 & 44 in the jury room.
Oral motion on behalf of Defense regarding allow Mr. Matley to
examine exhibits.
The People do not object as long as the
documents are not damaged or changed.
Motion is GRANTED.
The Court will allow the examination in the jury
room.
Marcel B. Matley is brought into the courtroom
and the Court orders him not to alter - take or
damage the exhibits in any way.

The People oppose Defense witness Dr. Ross
testifying and are unclear as to what he will
testify to.

Defense responds as on the record.
The Court will allow the testimony as it is
relevant from the Defense standpoint.

Counsel give updates as to Defense witness list.
Defense informs the Court they are having
trouble receiving a call back from witness
Rita Haggerty and ask for the People's help.
The Court directs the People to help by contacting
the witness and informing her that she needs to

2/23/06

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN
=====

respond and be present as ordered.
Defense also has an issue regarding witness
Jenny Love Hamilton.
Defense informs the Court of the form of the proof
of service they have and request a warrant for
Ms. Hamilton's failure to appear.
The Court orders the warrant will be issued when
the Defense provides information.

Further argument as on the record.
At 16:17 p.m. court adjourns.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 12/01/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B) 5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 20 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer R. Strasser present

At 8:38 a.m. court convenes on the record with all parties present and in place.
Jury present in place.

PEOPLE'S CASE IN CHIEF continued:
People's Witness THOMAS HOAGLAND sworn and testifies.
People's Exhibit(s) #238 & 239 is/are marked for ID purposes.
People's exhibit(s) #238 & 239 is/are Admitted into evidence.
No objection by Defense.
Exhibit #s 238 & 239 - photos - are published to the Jury on the projection screen.
Testimony resumes.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Re-cross of witness by Defense Hamlin.
Witness is thanked and excused.

Court recesses at 0953; reconvenes at 1006.
All present as before.
Jury present in place.

People's Witness TERRENCE BUHMAN sworn and testifies.
Defendant's exhibit(s) #240 is/are marked for identification purposes only.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Witness is thanked and excused.

At 10:33 a.m. -

People's Witness PAUL HADJES sworn and testifies.

People's Exhibit(s) #241 - 242 & 243 is/are marked for ID purposes.

People's exhibit(s) #s 241 - 242 & 243 with no Defense objection is/are Admitted into evidence.

Testimony resumes.

Cross examination of witness by Defense Hamlin.

Witness is thanked and excused.

At 10:48 a.m. the Court calls for a recess.

Exhibits marked off the record:

People's Exhibit(s) #244 - 245 - 246 - 247 - 248 & 249 is/are marked for ID purposes.

At 11:00 a.m. court reconvenes on the record.

All present as before.

The Jury is not present.

Witness Kate Campbell Craven is present and ordered back as directed.

Bench Conference Held/Reported 11:00.

At 11:05 a.m. the Jury is brought back into the court.

People's Witness MICHAEL LENSING sworn and testifies.

People's exhibit(s) #244 to 249 with no Defense objection is/are Admitted into evidence.

Cross examination of witness by Defense Hamlin.

Witness is thanked and excused.

At 11:31 a.m. -

People's Witness RICHARD STRASSER sworn and testifies.

At 11:44 a.m. the Jury is asked to exit the courtroom and the witness is questioned by the Court then off record.

At 11:48 a.m. the Court directs the noon recess until 1:00 p.m.

Exhibits marked off the record:

People's Exhibit(s) #250 - 251 - 252 - 253 - 254 - 255 - 256 & 257 is/are marked for ID purposes.

People's Exhibit(s) #258 - 259 - 260 & 261 is/are marked for ID purposes.

*** NOON RECESS ***

At 13:10 p.m. court reconvenes on the record.

All present as before.

Jury present in place.

The witness Richard Strasser is back on the witness stand and is again examined by the People.

At 14:05 p.m. the Jury takes a break and a brief bench conference is held.

At 14:20 p.m. court reconvenes on the record.

All present as before.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Jury present in place.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Witness is thanked and excused.

Court recesses at 1530; reconvenes at 1541.
Jury not in the courtroom.
Oral motion on behalf of the Defendant regarding dismiss per
1118 PC the charge
of "unsafe discharge of a gun".
Argument as on the record.
Motion is DENIED.

The People rest subject to admitting exhibits.

At 15:45 p.m. the Jury returns to the witness stand.
DEFENDANT'S CASE IN CHIEF:
Defense's Witness MIKE GARGIULO sworn and testifies.
Cross examination of witness by the People.
Witness is thanked and excused.

At 15:54 p.m. -
Defense's Witness MARIO MUNIZ JR. sworn and testifies.
The People elect not to cross-examine.
Witness is thanked and excused.

At 16:03 p.m. -
Defense's Witness KIMBERLY DUBACH sworn and testifies.
Cross examination of witness by the People.
Witness is thanked and excused.

Bench Conference Held/Reported 16:33.

Defense's Witness JEFF GREENWOOD sworn and testifies.
Cross examination of witness by the People.
Witness is thanked and excused.

At 16:40 p.m. the Court admonishes the Jury and directs
them to return next Tuesday 12-06-05 at 8:30 a.m.
The Jury is excused.
Defense witnesses Ron Short and Glen Siemer
present and ordered back for Wed. 12-07-05.
The Court and Counsel go over witness issues
and schedules off the record.
At 16:43 p.m. court is adjourned.

Jury Trial (In Progress) to resume 12/06/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

2/23/06

Page: 4

Case Number : P04CRF0132

People vs. RICHARD HAMLIN

=====
Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/30/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 19 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

Det. Rich Strasser present as the People's
Investigating Officer.

At 8:35 a.m. court convenes on the record out of the
Jury's presence.
Defense witness - Mr. Garchulo (sp?) - is present
and ordered back for tomorrow.
At 8:37 a.m. the Jury is brought in.

PEOPLE'S CASE IN CHIEF continued:
People's Witness SHARON BOLLUM sworn and testifies.
Cross examination of witness by Defense Hamlin.
Defendant's exhibit(s) #228 is/are marked for identification
purposes only.
Re-direct of witness by the People.
Re-cross of witness by Defense.
Re-direct of witness by the People.
Witness is thanked and excused.

At 9:22 a.m. -
People's Witness SHARON KRAUSE sworn and testifies.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Re-cross of witness by Defense.
Witness is thanked and excused.

At 9:52 a.m. the Court directs a break and the jurors

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

leave the courtroom.

At 10:16 a.m. on the record - out of the Jury's presence;
Defense Counsel Banning discusses a subpoenaed
witness Jenny Love Hamilton.
Defense is waiting for proof of service then will
request a bench warrant.
Then an in-chambers conference is held off the
record regarding trial schedule.

At 10:32 a.m. court reconvenes on the record.
All present as before.
Jury present in place.

People's Witness ROCK BRADY CLUM sworn and testifies.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Witness is thanked and excused.

At 10:45 a.m. -
People's Witness LISA TAYLOR CLUM sworn and testifies.
People's Exhibit(s) #35-A is/are marked for ID purposes.
People's Exhibit(s) #229 & 229-A is/are marked for ID purposes.
People's Exhibit #229 - CD/audio - is played for
the Jury from 11:30 a.m. to 11:35 a.m. with the
stipulation that the Court Reporter need not
transcribe the contents.
People's exhibit(s) #229 is/are Admitted into evidence.
Testimony resumes.
Cross examination of witness by Defense Hamlin.
At 11:56 a.m. the Court directs the noon recess until
1:15 p.m.

*** NOON RECESS ***

At 13:20 p.m. court reconvenes on the record.
All present as before.
Jury present in place.
Cross-examination by Defense Hamlin continues.
Re-direct of witness by the People.
Witness is thanked and excused.

At 14:03 p.m. -
People's Witness TERRI LYNN AAL sworn and testifies.
People's Exhibit(s) #230 is/are marked for ID purposes.
Testimony resumes.
Court recesses at 1433; reconvenes at 1448.
All present as before.
Jury present in place.
Direct examination continues.
Cross examination of witness by Defense Hamlin.
Court recesses after 3:00 p.m. ? and reconvenes
at 3:27 p.m.
Exhibits marked on the break:
Defendant's exhibit(s) #231 - 232 - 233 - 234 - 235 and 236

2/23/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

is/are marked for identification purposes only.
Cross-examination by Hamlin continues.
Defendant's exhibit(s) #237 is/are marked for identification
purposes only.
Testimony resumes.
Re-direct of witness by the People.
Witness excused subject to recall.

At 16:27 p.m. the Court adjourns for the day - directing
all to return tomorrow at 8:30 a.m.
Jury Trial (In Progress) to resume 12/01/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/29/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 18 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Defense co-counsel R. Banning present.

Det. Rich Strasser present as the People's
Investigating Officer.

At 8:30 a.m. the Court and Counsel meet in chambers
on the record.

The Defendant has concerns regarding a juror
seeing him in custody on the last court date.
Also discussion regarding potential witness
Sharon Krauss and Dina Santos and Mr. Warden
and Mr. Bowman.

All issues as stated on the record.
Discussion also re: Denise Clark - school
counselor.

At 8:50 a.m. now in the courtroom - on the record.
Only Juror #2 is brought into court and spoken
to regarding seeing the Defendant in custody
on 11-17-05.

Then witnesses Larry Arkus and Brad Hamlin
are present and the Court informs them they are
released from their subpoenas and may be called
back on 12-13-05 or 12-14-05.

At 9:00 a.m. the Jury is now present.
PEOPLE'S CASE IN CHIEF continued:
People's Witness LINDA BERNARD sworn and testifies.
People's Exhibit(s) #226 is/are marked for ID purposes.
People's exhibit(s) #226 - no Defense objection is/are Admitted

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

into evidence.

Testimony resumes.

Court recesses at 1003; reconvenes at 1017.

All present as before.

Jury present in place.

Direct examination continues.

Witness Ms. Kirkham brought into court and
ordered back for Thursday 12-01-05 at 8:00 a.m.

Cross examination of witness by Defense Hamlin..

Re-direct of witness by the People.

Re-cross of witness by Defense Hamlin.

Re-direct of witness by the People.

Witness is thanked and excused.

At 12:10 p.m. the Court directs the noon recess.

*** NOON RECESS ***

At 13:32 p.m. court reconvenes on the record.

All present as before.

Jury present in place.

People's Witness DENISE BRAUNS CLARK sworn and testifies.

Cross examination of witness by Defense Hamlin.

Re-direct of witness by the People.

Witness is thanked and excused.

At 14:16 p.m. -

People's Witness NANCY WAGGONER sworn and testifies.

Cross examination of witness by Defense Hamlin.

Witness is thanked and excused.

At 14:30 p.m. the Court asks the Jury to step out of the
courtroom.

Court recesses at 1430; reconvenes at 1437.

Court reconvenes out of the Jury's presence.

The Court addresses the next witness - Jim

Warden - as stated on the record.

Bench conference held off the record.

At 14:40 p.m. court reconvenes on the record.

Jury present in place.

People's Witness JAMES WARDEN sworn and testifies.

Cross examination of witness by Defense Hamlin.

Re-direct of witness by the People.

Witness is thanked and excused.

At 14:57 p.m. -

People's Witness CAITLYN GUILD sworn and testifies.

Defense elects not to cross-examine.

Witness is thanked and excused.

People's Exhibit(s) #227 is/are marked for ID purposes.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 15:07 p.m. -
People's Witness MICHAEL GRANT sworn and testifies.
People's exhibit(s) #227 is/are Admitted into evidence.
Cross examination of witness by Defense Hamlin.
Direct examination by the Court.
Witness is thanked and excused.

At 15:14 p.m. bench conference held and the Jury is
asked to leave the courtroom.
402 E. C. Hearing held with the next witness.
People's Witness DINA SANTOS sworn and testifies.
At 15:40 p.m. break so Counsel can speak to witness.
At 15:52 p.m. back on the record; Defense states that
Defendant Hamlin will assert Atty./Client
privilege during a certain time frame as to this
witness.
Argument by Counsel and further questions to wit.
At 16:11 p.m. the Jury is brought back into court and
the witness is sworn again.
Direct examination by the People.
Defense elects not to cross-examine.
Witness is thanked and excused.

At 16:25 p.m. the Court admonishes the Jury and directs
them to return tomorrow at 8:30 a.m.

Jury Trial (In Progress) to resume 11/30/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/17/05 Time: 8:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 17 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Counsel R. Banning also present.

Det. R. Strasser present as People's Investigating
Officer.

Judicial Assistant P. Fleitman begins court.
At 8:27 a.m. court convenes on the record - absent the
Jury.

The Court and Counsel hold discussion and
argument re: Landry Statement - ruling deferred.
The Court will read the transcript.

Argument re: Pastor Grant - the Court will allow
testimony.

Discussion until 8:40 a.m. then break.

S. Dahlgren replaces P. Fleitman as Jud. Asst.

The Court and Counsel hold discussion on and off
the record.

People's Exhibit(s) #183 - 184 and 185 is/are marked for ID
purposes.

People's Exhibit(s) #186 through 218 - photos is/are marked for
ID purposes.

At 9:00 a.m. court convenes on the record.

Jury present in place.

PEOPLE'S CASE IN CHIEF continued:

People's Witness ERIN McLARNEY sworn and testifies.

People's exhibit(s) #186 to #202 is/are Admitted into evidence.

No objection by the Defense.

People's exhibit(s) #203 to #212 with no Defense objection
is/are Admitted into evidence.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Court recesses at 1002; reconvenes at 1014.
All present as before.
Jury present in place.
People's exhibit(s) #213 to #218 with no Defense objection
is/are Admitted into evidence.
Testimony resumes.
Cross examination of witness by Defendant Hamlin.
Witness is thanked and excused.

Court recesses at 1035; reconvenes at 1054.
Marked off-record:
People's Exhibit(s) #219 is/are marked for ID purposes.
All present as before.
Jury present in place.
Oral motion on behalf of Defense regarding Court to re-order
witness back.
Motion is GRANTED.
Witness Ron Short is present and the Court orders
him back on 12-01-05 at 1:30 p.m.
At 10:56 a.m. -
People's Witness RITA HAGGERTY sworn and testifies.
People's Exhibit(s) #220 is/are marked for ID purposes.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Witness excused subject to recall.

At 11:57 a.m. the Court directs the noon recess.

*** NOON RECESS ***

At 13:22 p.m. the Court and Counsel confer in chambers
on the record re: witnesses and schedules etc.
At 13:25 p.m. court reconvenes on the record.
Jury present in place.
All parties are present and in place.
People's Witness JERRY ARNOLD sworn and testifies.
People's Exhibit(s) #221 & 222 is/are marked for ID purposes.
People's exhibit(s) #221 & 222 no Defense objection is/are
Admitted into evidence.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Re-cross of witness by Defense.
Witness is thanked and excused.

At 13:50 p.m. -
People's Witness HELENA WECKWORTH sworn and testifies.
Cross examination of witness by Defense.
Witness is thanked and excused.

At 14:00 p.m. -
People's Witness RODNEY WECKWORTH sworn and testifies.
Defense elects not to cross-examine.
Witness is thanked and excused.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Court recesses at 1405; reconvenes at 1418.
All present as before.
Jury present in place.
People's Witness STEPHANIE MACUMBER sworn and testifies.
People's Exhibit(s) #223 & 223-A is/are marked for ID purposes.
Exhibit #223 - CD/audio is played for the Jury
with the same stipulation that the Court Reporter
need not transcribe the contents.
Cross examination of witness by Defense Banning.
Witness is thanked and excused.

Bench conference held then put a stipulation
on the record.

At 14:36 p.m. -
People's Witness COLLEEN BARTELL sworn and testifies.
Defense elects not to cross-examine.
Witness is thanked and excused.

At 14:54 p.m. -
People's Witness LYNN SOLBERG sworn and testifies.
People's Exhibit(s) #224 is/are marked for ID purposes.
Defense elects not to cross-examine.
Witness is thanked and excused.

Court recesses at 1459; reconvenes at 1533.
People's Exhibit(s) #225 is/are marked for ID purposes.
All present as before.
Jury present in place.
People's Witness JEFFREY LEIKAUF sworn and testifies.
Defense elects not to cross-examine.
Witness is thanked and excused.

At 15:42 p.m. the Court excuses the Jury until Tuesday
11-29-05 at 8:30 a.m. with the same admonition.

Jury Trial (In Progress) to resume 11/29/2005, at 8:30, in
Dept. 2.

The Court and Counsel remain to go over exhibits.
People's exhibit(s) #s 1-2-3-4-5-6-7 & 8 is/are Admitted into
evidence.
People's exhibit(s) #s 11-12-13-14-15-16-26-27-28-29 & 30 is/are
Admitted into evidence.
People's exhibit(s) #s 31-32-33-34-35-36-37-42 & 43 is/are
Admitted into evidence.
People's exhibit(s) #s 136-141-175-183-184-185-186-187 & 188
is/are Admitted into evidence.
People's exhibit(s) #s 189-190-191-192-193-194-195-196-197 & 198
is/are Admitted into evidence.
People's exhibit(s) #s 199-200-201-202-203-204-205-206-207 & 208
is/are Admitted into evidence.
People's exhibit(s) #s 209-210-211-212-213-214-215-216-217 & 218
is/are Admitted into evidence.

2/23/06

Page: 4

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

People's exhibit(s) #s 221-222-223 & 224 is/are Admitted into
evidence.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/16/05 Time: 8:45 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 16 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff DANIELSON

Deputy District Attorney J. ALEXANDER for V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

At 8:30 a.m. court convenes off the record.
DDA J. Alexander informs the Court and Counsel
that DDA V. Ashworth is ill today and not able
to appear.
The Court directs J. Alexander to be prepared to
cover for V. Ashworth tomorrow if she is still not
available.

At 8:50 a.m. court convenes on the record.
Jury present in place.
The Court informs the Jury of the situation and
directs them to return tomorrow at 8:45 a.m.
At 8:52 a.m. the Jury leaves.
The Court and Counsel hold a short discussion;
will meet tomorrow at 8:15 a.m.

Jury Trial (In Progress) to resume 11/17/2005, at 8:15, in
Dept. 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/15/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 15 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

People's Investigating Officer Det. Rich Strasser
present.

At 8:30 a.m. court convenes on the record.
The Court and Counsel confer at the bench.
PEOPLE'S CASE IN CHIEF continued:
At 8:37 a.m. all parties present and in place.
Jury present in place.

People's witness SUSAN HAMLIN returns to the
witness stand and is now examined on re-direct
by the People.
People's Exhibit(s) #137 - 138 & 139 is/are marked for ID
purposes.
People's Exhibit(s) #140 is/are marked for ID purposes.
Testimony resumes.
Court recesses at 0952; reconvenes at 1010.
Testimony resumes.
People's Exhibit(s) #141 and 142 through 159 is/are marked for
ID purposes.
Testimony resumes.
Re-cross of witness by Defense Banning.
Witness excused subject to recall.

Pause off-record.
People's Exhibit(s) #160 to #174 is/are marked for ID purposes.

At 10:30 a.m. -
People's Witness MELISSA MEEKMA sworn and testifies.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

People's exhibit(s) #142 TO #159 is/are Admitted into evidence.
Exhibits / photos - shown on the projection screen
to the Jury.

People's exhibit(s) #160 to #174 is/are Admitted into evidence.
No objection by Defense.
Cross examination of witness by Defense Hamlin.
Witness is thanked and excused.

At 10:57 a.m. the Court asks the Jury to take a break.

Bench Conference Held/Reported 10:57.

At 11:08 a.m. the Jury returns to the courtroom and the
Court informs them to break for lunch until
1:00 p.m.

People's Exhibit(s) #175 to #182 is/are marked for ID purposes.

*** NOON RECESS ***

At 13:25 p.m. court reconvenes on the record.

Jury present in place.

Deputy District Attorney T. Kelliher present and
examines the witness.

At 13:27 p.m. -

People's Witness CAROLINE GARCIA sworn and testifies.

People's Exhibit(s) #43-A is/are marked for ID purposes.

People's exhibit(s) #178 & 179 is/are Admitted into evidence.

Exhibit #s 178 & 179 published to the Jury.

Cross examination of witness by Defense Hamlin.

At 14:18 p.m. the Court asks the Jury to leave the
courtroom and Defense Counsel questions the
witness as put forth on the record.

At 14:20 p.m. the Jury is brought back into court.

Bench Conference Held/Reported 14:20.

Cross-examination of witness continues by
Defense Hamlin.

Witness is thanked and excused.

At 14:27 p.m. -

People's Witness CHRISTOPHER GALE sworn and testifies.

Questions re: DNA and Power Point presentation.

Court recesses at 1452; reconvenes at 1508.

All present as before.

Jury present in place.

Testimony resumes.

People's Exhibit(s) #181-A and #182-A is/are marked for ID
purposes.

Counsel stipulate re: blood sample and Deringer.

Court recesses at 1543; reconvenes at 1549.

All present as before.

Jury present in place.

Testimony resumes.

Cross examination of witness by Defense Hamlin.

Re-direct of witness by the People.

Re-cross of witness by Defense.

Re-direct of witness by the People.

2/23/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Witness is thanked and excused.

At 16:10 p.m. the Court addresses the Jury re: schedule
and directs them to return tomorrow at 8:45 a.m.

At 16:12 p.m. court adjourns for the day.

Jury Trial (In Progress) to resume 11/16/2005, at 8:45, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/10/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B) 5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 14 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Defense Counsel R. Banning present.

Det. Rich Strasser present as the People's
Investigating Officer.

Exhibits marked before court convenes:
Defendant's exhibit(s) #96 through #110 is/are marked for
identification purposes only.

PEOPLE'S CASE IN CHIEF continued:

At 8:52 a.m. court convenes on the record.

Jury present in place.

All other parties present and in place.

People's witness SUSAN HAMLIN returns to the
witness stand and is again cross-examined by
Defense Counsel Banning.

Defendant's exhibit(s) #111 to 130 is/are marked for
identification purposes only.

Court recesses at 0957; reconvenes at 1015.

Cross-examination by Defense Banning continues.

At 11:10 a.m. the Jury takes a break and the Court and
Counsel continue on record for about 1 minute.

At 11:21 a.m. back on the record at the bench - Jury
not present.

At 11:25 a.m. -

Jury present in place.

Defense Banning continues cross examination.

At 11:58 a.m. the Court directs the noon recess.

*** NOON RECESS ***

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 13:15 p.m. the Court and Counsel confer in chambers
off the record - briefly.

Break.

Defendant's exhibit(s) #132 is/are marked for identification
purposes only.

People's Exhibit(s) #29A is/are marked for ID purposes.

Defendant's exhibit(s) #133 and #133-A through #133-T is/are
marked for identification purposes only.

At 14:00 p.m. -

Jury present in place.

Court reconvenes on the record - SUSAN HAMLIN
is back on the witness stand and is further
cross-examined.

People's Exhibit(s) #29-B - audio tape of 2-26-04 interview of
Susan

by Dep. Murphy - is now played for the Jury
from 2:13 p.m. to 3:04 p.m. with the same
stipulation that the Court Reporter need not
transcribe the contents.

Court recesses at 1504; reconvenes at 1515.
Court reconvenes absent the Jury for a brief
discussion.

People's Exhibit(s) #28-B. is/are marked for ID purposes.
The Jury returns to the courtroom.

Exhibit #28-B - audio tape of 02-05-04 interview
of Susan - is played for the Jury until 3:44 p.m.

P. Fleitman replaces S. Dahlgren as J. A.

Further cross-examination by Banning.

Defendant's exhibit(s) #135 & 136 is/are marked for
identification purposes only.

Testimony resumes.

At 16:10 p.m. the Court reminds the Jury of the admonition
and directs them to return Tuesday 11-15-05
at 8:30 a.m.

Jury Trial (In Progress) to resume 11/15/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/09/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 13 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by HIMSELF - PRO PER.
Co-Counsel R. Banning present.

People's Investigating Officer Rich Strasser pres.

PEOPLE'S CASE IN CHIEF continued:
At 8:35 a.m. court convenes on the record.
Jury present in place.
People's witness SUSAN HAMLIN - previously
sworn - sits at the witness stand and is further
cross-examined by Defense Banning.
Defendant's exhibit(s) #52 is/are marked for identification
purposes only.
Court recesses at 0937; reconvenes at 0952.
All present as before.
Cross-examination continues.
At 10:28 a.m. the Court directs the Jury to take a break
so Defense can allow the witness to examine a
document - then off-record.
At 11:20 a.m. -
Jury present in place.
All present as before.
On the record - cross-examination continues.
Defendant's exhibit(s) #53 to #84 - see exhibit list is/are
marked for identification purposes only.
(Medical records for Susan).
At 12:00 p.m. the Court directs the noon recess.

*** NOON RECESS ***

At 13:20 p.m. court reconvenes on the record.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

All present as before.
Jury present in place.
Defense Banning continues with cross-examination.
Defendant's exhibit(s) #53 to 84 is/are admitted into evidence.
No objection by the People.
Cross-examination by the Defense continues.
Court recesses at 1407; reconvenes at 1422.
All present as before.
Testimony resumes.
Defendant's exhibit(s) #85 to #95 is/are marked for
identification purposes only.
Court recesses at 1526; reconvenes at 1542.
All present as before.
Jury present in place.
Cross-examination continues by Banning.
Defendant's exhibit(s) #96 & 97 is/are marked for identification
purposes only.
At 16:20 p.m. the Court reminds the Jury of the admonition
and excuses them until tomorrow at 8:30 a.m.
Now the Court and Counsel continue on record
re: discovery.
At 16:22 p.m. court is adjourned.

Jury Trial (In Progress) to resume 11/10/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/08/05 Time: 8:30 am Dept/Div: 2

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 12 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Robert Banning present.

Defendant present in street clothing.
Det. Rich Strasser present as the People's
Investigating Officer.
Cynthia Hayes present as Defense Investigator.

People's Exhibit(s) #44 - See list is/are marked for ID purposes.
PEOPLE'S CASE IN CHIEF continued:

At 8:40 a.m. court convenes on the record.

Jury present in place.

The People's witness SUSAN HAMLIN - previously
sworn - sits at the witness stand and the People
continue with direct examination.

At 8:45 a.m. -

Cross examination of witness by Defense Banning.

Defendant's exhibit(s) #45 is/are marked for identification
purposes only.

Court recesses at 0940; reconvenes at 0950.

All present as before.

Cross-examination continues.

Defendant's exhibit(s) #46 is/are marked for identification
purposes only.

Testimony resumes.

Court recesses at 1036; reconvenes at 1050.

The Jury is not present and the Court and
Counsel hold discussion as put forth on the
record.

At 11:00 a.m. -

Jury present in place.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

The witness Susan Hamlin is back on the
witness stand and is further cross-examined by
Defense Banning.

At 11:57 a.m. the Court reminds the Jury of the admonition
and directs the noon recess until 1:15 p.m.

*** NOON RECESS ***

At 13:26 p.m. court reconvenes on the record.

Jury present in place.

All present as before.

People's witness Susan Hamlin is again on
the witness stand and is further cross-examined.

Defendant's exhibit(s) #47 - 48 & 49 is/are marked for
identification purposes only.

Court recesses at 1424; reconvenes at 1438.

All present as before.

Jury present in place.

At 14:57 p.m. A. McKenzie replaces S. Dahlgren as
Judicial Assistant.

Court recesses at 1519; reconvenes at 1531.

All present as before.

Defense Counsel continues with cross-examination.

Defendant's exhibit(s) #50 & 51 is/are marked for identification
purposes only.

At 16:27 p.m. court adjourns with the Court reminding the
Jury of the admonition and directing all
to return tomorrow at 8:30 a.m.

Jury Trial (In Progress) to resume 11/09/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/03/05 Time: 8:30 am Dept/Div: 2

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 11 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2ND CHAIR DEFENSE R. BANNING PRESENT.

Defendant dressed in street clothing.
Det. Rich Strasser present as the People's
Investigating Officer.
Defense investigator Cynthia Hayes present.

At 8:30 a.m. the Court and Counsel confer in chambers
off the record re: Juror #10 - then the juror is
brought into chambers at 8:35 a.m. - now on
the record for a minute - and the juror is
reminded not to speak to anyone about this case.
At 8:40 a.m. now on the record in the courtroom.
Jury present in place.
All parties present as named above.

PEOPLE'S CASE IN CHIEF continued:
Witness Susan Hamlin's testimony is interrupted:
People's Witness MARK STEENBERG sworn and testifies.
Cross examination of witness by Defense Hamlin.
Re-direct of witness by the People.
Witness is thanked and excused.

At 9:14 a.m. the People's witness SUSAN HAMLIN
returns to the witness stand and is further
examined on direct by the People.
Court recesses at 0925; reconvenes at 0938.
All present as before.
People's Exhibit(s) #36 & 36A is/are marked for ID purposes.
Witness Susan Hamlin returns to the witness

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

stand and Exhibit #36 - CD/audio is played for the Jury from 9:40 a.m. with the stipulation that the Court Reporter need not transcribe the contents.

At 10:15 a.m. further direct examination continues.

Court recesses at 1033; reconvenes at 1045.

All present as before.

Testimony resumes.

People's Exhibit(s) #37 and 37A is/are marked for ID purposes.

People's exhibit #37 - a CD/audio played for the Jury from 10-50 a.m. until 11:53 a.m. with the same stipulation regarding the Court Reporter.

At 11:53 a.m. the Court directs the noon recess.

*** NOON RECESS ***

At 13:18 p.m. court reconvenes on the record.

Jury present in place.

People's witness Susan Hamlin returns to the witness stand.

People's Exhibit(s) #38 - 39 - 40 - 41 - 42 and 43 is/are marked for ID purposes.

Court recesses at 1410; reconvenes at 1420.

Bench Conference Held/Reported 14:20.

All present as before.

People's Exhibit(s) #30A is/are marked for ID purposes.

People's Exhibit #30 - a CD/audio is played for the Jury from 2:25 p.m. until 2:50 p.m. with the same Court Reporter stipulation.

Then direct examination continues.

Court recesses at 1457; reconvenes at 1506.

All present as before.

People's Exhibit(s) #31A is/are marked for ID purposes.

People's Exhibit #31 - a CD/video is played for the Jury on the projection screen from 3:10 p.m. until 4:42 p.m. with the same Court Reporter stipulation.

At 16:43 p.m. the Court reminds the Jury of the admonition and directs them to return on Tuesday - Nov.

08 - 2005 at 8:30 a.m.

Court adjourns.

Jury Trial (In Progress) to resume 11/08/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/02/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 10 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel R. Banning present.

Det. Rich Strasser present as People's Investi-
gating Officer.
Oral motion on behalf of Defense regarding recognize Cynthia
Hayes as their
Investigating Officer and allow her to remain in
the courtroom.
Motion is GRANTED.

PEOPLE'S CASE IN CHIEF continued:
At 8:40 a.m. court convenes on the record.
Jury present in place.
All parties are present.
People's Witness SUSAN HAMLIN sworn and testifies.
People's Exhibit(s) #16 - 17 - 18 - 19 - 20 - 18A - 18B - 21 &
22 is/are marked for ID purposes.
People's Exhibit(s) #23 - 24 & 25. is/are marked for ID purposes.
Court recesses at 0944; reconvenes at 0957.
All present as before.
Direct examination continues.
People's Exhibit(s) #26 and #27. is/are marked for ID purposes.
Bench conference held - then the Court asks
the Jury to step out of the courtroom.
At 10:22 a.m. the Court and Counsel continue discussion
then they all watch the cd/video on a laptop
computer at counsel table (no audio) - off record.
At 10:32 a.m. the witness returns to the witness stand
and Exhibit #27; cd/video is played from 10-32 a.m
to 10:53 with a few questions to the witness.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Direct examination continues.

At 11:55 a.m. the Court directs the noon recess.

*** NOON RECESS ***

Marked off the record before court reconvenes:

People's Exhibit(s) #28 - 29 - 30 - 31 and 32 - see list is/are marked for ID purposes.

At 13:25 p.m. court reconvenes on the record.

All present as before.

Jury present in place.

People's witness Susan Hamlin returns to the witness stand and is further examined by the People.

People's Exhibit(s) #28A - Transcript is/are marked for ID purposes.

Exhibit #28 - CD of audio interview of Susan by Lensing - is played for the Jury with the stipulation that the court reporter need not transcribe the contents.

Testimony resumes.

At 2:20 p.m. Court Clerk R.Tucker relieves S.Dahlgren

At 2:28 p.m. Court takes the afternoon recess

At 2:45 p.m. Court resumes

All present as before.

Witness SUSAN HAMLIN retakes the stand still under oath and resumes testimony.

People's Exhibit(s) 33 - Small envelope with note inclosed is/are marked for ID purposes.

At 15:10 p.m. G. Ryan relieves R. Tucker as Judicial Assistant.

Court recesses at 1545; reconvenes at 1555.

All present as before.

Testimony resumes.

People's Exhibit(s) #34 & #35 is/are marked for ID purposes.

At 16:30 p.m. court adjourns.

Jury Trial (In Progress) to resume 11/03/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 11/01/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 9 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
The Defendant represents himself.
2nd Chair Defense Counsel Robert Banning pres.

The Defendant appears in street clothing.
Det. Rich Strasser present as People's
Investigating Officer.

PEOPLE'S CASE IN CHIEF continued:

At 8:30 a.m. court convenes on the record - in chambers
absent the Jury.

Defense makes 352 E. C. motions as put forth
on the record.

The Court reserves ruling until later.

At 8:55 a.m. -

Jury present in place.

Court reconvenes on the record - in the courtroom.

All parties present.

CLAIRE HAMLIN - previously sworn - returns to
the witness stand with support person B. Sims.
Cross examination of witness by Defense Banning..
Re-direct of witness by the People.
Witness excused subject to recall.

At 9:15 a.m. the Court directs the Jury to take a break.
The Court and Counsel remain and hold discussion
at the bench on the record re: Alt #1 feeling ill
and witnesses.

At 9:25 a.m. now in chambers to continue the discussion
with Alternate Juror #1 present - on the record.

Alt. #1 is ill today and feels he / she cannot

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

give their full attention today.

At 9:27 a.m. Alt #1 leaves chambers and discussion continues.

At 9:30 a.m. back in the courtroom on the record:

Jury present in place.

All present as before.

The Court instructs the Jury that the trial proceedings will stop for the day to allow Alt. #1 a chance to feel better.

The Jury is reminded of the admonition and excused until tomorrow at 8:30 a.m.

At 9:33 a.m. the Court and Counsel confer again in chambers on the record re: 352 E. C. issues. People's Investigating Officer R. Strasser also present.

The Court rules on the admissability of some statements and reserves on others.

At 10:40 a.m. court is adjourned for the day.

Jury Trial (In Progress) to resume 11/02/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPER1 COURT OF CALIFORNIA, COU OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/27/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 8 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by PRO PER.
2nd Chair Defense Counsel R. Banning present.

Defendant dressed in street clothing.
Detective Rich Strasser present as the People's
Investigating Officer.

PEOPLE'S CASE IN CHEIF continued:
At 8:33 a.m. court convenes on the record.
Jury present in place.
All parties present as named above.
People's witness ALEC HAMLIN - previously sworn -
returns to the witness stand and is further
examined by the People.
People's Exhibit(s) #14 & 14A is/are marked for ID purposes.
Exhibit #14 - audio tape - is played for the Jury
from 8:37 a.m. until 9:45 a.m. with stipulation
that the Court Reporter need not transcribe the
contents of the audio tape.
Court recesses at 0945; reconvenes at 0957.
The court is on the record briefly before the Jury
is brought into court.
Jury present in place.
All present as before.
The witness Alec Hamlin is further examined by
the People.
At 10:07 a.m. -
Cross examination of witness by Defense Counsel Banning..
Court recesses at 1055; reconvenes at 1112.
All present as before.
Cross-examination continues.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 12:00 p.m. the Court directs the noon recess reminding
the Jury of the admonition.

*** NOON RECESS ***

At 13:27 p.m. court reconvenes on the record.
All present as before.

Brief bench conference held on the record.
The Jury is advised of a stipulation re: iron.
Defense Banning further cross-examines the
witness Alec Hamlin.

Court recesses at 1413; reconvenes at 1425.
All present as before.

Further cross-examination.
Re-direct of witness by the People.
Re-cross of witness by Defense Banning.
Witness excused subject to recall.

Court recesses at 1509; reconvenes at 1518.
All present as before.

P. Fleitman sits as Judicial Assistant from
3:00 p.m. until 3:30 p.m.

At 15:18 p.m. -

People's Witness CLAIRE HAMLIN sworn and testifies.
Claire is a minor and is accompanied by a
support person - Barbara Sims.

The witness answers preliminary questions by the
People then direct examination.

People's Exhibit(s) #15 and #15A is/are marked for ID purposes.
Exhibit #15 - a CD of a video interview of
Claire Hamlin by Cheryl Warchol - is played for th
Jury from 3:55 p.m. to 4:20 p.m. with the same
stipulation re: the Court Reporter.

At 16:20 p.m. direct examination continues.

At 16:27 p.m. the People are finished with direct and the
Court reminds the Jury of the admonition and
directs them to return next Tuesday - Nov. 01
2005 at 8:30 a.m.

The Court directs witness Claire Hamlin not to
discuss her testimony with anyone and return on
Tuesday.

At 16:30 p.m. court is adjourned.

Jury Trial (In Progress) to resume 11/01/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

MEDIA AGENCY (name): <u>SACRAMENTO BEE</u> CHANNEL/FREQUENCY NO.: _____ PERSON SUBMITTING REQUEST (name): <u>RAMON CORONADO</u> ADDRESS: <u>2100 Q STREET</u> <u>SACRAMENTO, 95852</u> TELEPHONE NO.: <u>(916) 321-1020</u>	FOR COURT USE ONLY EL DORADO CO. SUPERIOR CT. FILED <u>10-27-05</u> BY <u>Deputy</u> Deputy CASE NUMBER: _____
Insert name of court and name of judicial district and branch court, if any: <u>EL DORADO COUNTY SUPERIOR COURT</u>	
TITLE OF CASE: <u>PEOPLE VS. RICHARD HAMLIN</u>	
NAME OF JUDGE: <u>HON. EDDIE T. KELLER</u>	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	

AGENCY MAKING REQUEST (name): SACRAMENTO BEE

1. a. ☐ No hearing was held.
 b. ☐ Date of hearing: _____ Time: _____ Dept./Div.: _____ Room: _____
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
3. ☐ **THE COURT FINDS** (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
- a. ☐ **denied.**
- b. ☒ **granted** subject to the conditions in rule 980, California Rules of Court, **AND** the following:
- (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 - (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ _____ to be determined.
 - (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 - (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows (specify): _____
 - (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 - (7) ☐ This order
 - (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 - (ii) ☐ shall apply to allow coverage of proceedings that are continued.
 - (8) ☒ Other (specify): Still photos only during recesses and not of jurors or witnesses

5. Coverage granted in item 4b is permitted in the following proceedings:
- a. ☐ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
- b. ☐ Only the following proceedings (specify type or date or both): _____

6. ☐ The order made on (date): _____ is ☐ terminated ☐ modified as follows (specify): _____

7. ☐ Number of pages attached: _____

Date: 10/27/05

Eddie Keller

(See reverse for additional information)

JUDGE

MEDIA AGENCY (name): <u>SACRAMENTO BEE</u> CHANNEL/FREQUENCY NO.: <u>RAMON CORONADO</u> PERSON SUBMITTING REQUEST (name): <u>2100 Q STREET</u> ADDRESS: <u>SACRAMENTO, 95852</u> TELEPHONE NO: <u>(916) 321-1020</u>		FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: <u>EL DORADO COUNTY SUPERIOR COURT.</u>		
TITLE OF CASE: <u>PEOPLE VS. RICHARD HAMLIN</u>		
NAME OF JUDGE: <u>HON. EDDIE T. KELLER</u>		
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST		
		CASE NUMBER:

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):

DEFENDENT

2. DATE OF PROPOSED COVERAGE (specify):
 proposed coverage date. If not feasible, explain good cause for noncompliance): (File this form at least five court days before the

3. TYPE OF COVERAGE:

- a. ☐ TV camera and recorder
 b. ☒ Still camera
 c. ☐ Motion picture camera

- d. ☐ Audio
 e. ☐ Other (specify):

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):

5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$
☐ Amount unknown

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 980(e)(1)).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 980, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 10-27-05

RAMON CORONADO
 (TYPE OR PRINT NAME)

Ramon Coronado
 (SIGNATURE)

Telephone No.: 321 1191

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the court:			

Clerk, by _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/26/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 7 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by PRO PER.
Defendant is present in street clothing.
2nd Chair Defense Counsel R. Banning present.
R. Strasser present as People's Investigating
Officer.

At 9:03 a.m. court convenes on the record.
PEOPLE'S CASE IN CHIEF continued:
All parties are present and in place.
People's witness RYAN HAMLIN returns to the
witness stand to continue yesterday's testimony.
The witness is further examined by the People.
People's Exhibit(s) #9 is/are marked for ID purposes.
People's Exhibit(s) #10 is/are marked for ID purposes.
At 9:12 a.m. -
Cross examination of witness by Defense Counsel Banning..
Court recesses at 0955; reconvenes at 1010.
All present as before.
Cross-examination continues.
Court recesses at 1058; reconvenes at 1110.
All present as before.
Cross-examination continues.
Re-direct of witness by the People.
People's Exhibit(s) #11 and 12 is/are marked for ID purposes.
Re-cross of witness by Defense.
Witness excused subject to recall.

At 11:55 a.m. the Court directs the noon recess until
1:20 p.m. - reminding the Jury of the admonition.

*** NOON RECESS ***

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 13:23 p.m. court reconvenes on the record.
All present as before.
People's Witness ALEC HAMLIN sworn and testifies.
Court recesses at 1435; reconvenes at 1451.
All present as before.
Direct examination continues.
People's Exhibit(s) #13 and 13A is/are marked for ID purposes.
Exhibit #13 - a CD/video of an interview by
Det. Strasser of Alec Hamlin - is played on the
large projection screen from 2:53 p.m. until
4:08 p.m. with the stipulation that the Court
Reporter need not transcribe the audio.
At 16:08 p.m. the People continue direct examination.
At 16:26 p.m. the Court reminds the Jury of the admonition
and directs them to return tomorrow at 8:30 a.m.
The witness is admonished and directed to return
tomorrow at 8:30 a.m. as well.
At 16:30 p.m. court adjourns.

Jury Trial (In Progress) to resume 10/27/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

MEDIA AGENCY (name): <u>Mountain Democrat</u> CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): <u>RYAN Mc CARTHY</u> ADDRESS: <u>1360 Broadway</u> <u>Placerville CA 95667</u> TELEPHONE NO.: <u>344-5866</u>		FOR COURT USE ONLY EL DORADO CO. SUPERIOR CT. FILED <u>10-26-05</u> BY <u>Deputy</u> Deputy CASE NUMBER:
Insert name of court and name of judicial district and branch court, if any: <u>Superior Ct Dept. 2, Placerville</u>		
TITLE OF CASE: <u>PEOPLE VS. RICHARD HAMLIN</u>		
NAME OF JUDGE: <u>EDDIE T. KELLER</u>		
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE		

AGENCY MAKING REQUEST (name): MT. Democrat

1. a. ☐ No hearing was held.
 b. ☒ Date of hearing: 10-26-05 Time: 8:30 Dept./Div.: 2 Room:
 2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
 3. ☐ **THE COURT FINDS** (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is

a. ☐ denied.

b. ☒ **granted** subject to the conditions in rule 980, California Rules of Court, **AND** the following:

- (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ ☐ to be determined.
 (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows (specify):

- (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.

(7) ☐ This order

- (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 (ii) ☐ shall apply to allow coverage of proceedings that are continued.

(8) ☒ Other (specify):

still photos only during recess and when jury or witnesses not present

5. Coverage granted in item 4b is permitted in the following proceedings:

- a. ☐ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
 b. ☐ Only the following proceedings (specify type or date or both):

6. ☐ The order made on (date):

is ☐ terminated ☐ modified as follows (specify):

7. ☐ Number of pages attached:

Date: 10/26/05

Eddie Keller

(See reverse for additional information)

JUDGE

MEDIA AGENCY (name): <u>Mountain Democrat</u> CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): <u>Ryan McCarthy</u> ADDRESS: <u>1360 Broadway</u> <u>Placerville, Ca. 95667</u> TELEPHONE NO.: <u>344-5066</u>		FOR COURT USE ONLY CASE NUMBER:
Insert name of court and name of judicial district and branch court, if any: <u>Superior Court, Dept. 2, Placerville</u>		
TITLE OF CASE: <u>People vs. Richard Hamlin</u>		
NAME OF JUDGE: <u>Eddie T. Keller</u>		
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST		

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):
Trial testimony through sentencing.
2. DATE OF PROPOSED COVERAGE (specify):
10/26/05 until conclusion.

(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):
3. TYPE OF COVERAGE:

a. <input type="checkbox"/> TV camera and recorder	d. <input type="checkbox"/> Audio
b. <input checked="" type="checkbox"/> Still camera	e. <input type="checkbox"/> Other (specify):
c. <input type="checkbox"/> Motion picture camera	
4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):
5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$
☐ Amount unknown
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 980(e)(1)).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 980, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 10/26/05

..... Pat. LaKey
 (TYPE OR PRINT NAME)

▶ Pat. LaKey
 (SIGNATURE)

Telephone No.: 344-5066

Managing editor
 (SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the court:			

Clerk, by _____, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/25/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 6 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: P. Fleitman
Court Reporter DeLacy K.

Deputy District Attorney V. ASHWORTH present.
Defendant proceeds in Propria Persona.
Defendant is represented by Bob Banning as co counsel.

At 8:30 a.m. court convenes outside the presence
of the jury. Counsel and Defendant present.
Richard Strasser is designated as Investigating Officer.

Defense requests a copy of a certain unmarked
audio tape which DA will provide today.

At 8:33 a.m. the Court reads the charges and gives
preliminary instructions.

At 8:49 a.m. Ms. Ashworth makes her opening statement.

At 9:02 a.m. Defendant makes his opening statement.
At 10:02 a.m. court recesses until 10:12 a.m.

Defendant resumes his opening statement.

People's Witness RYAN HAMLIN sworn and testifies.
Direct examination by Ms. Ashworth.

People's Exhibit(s) 1 - Derringer Handgun (silver) is/are marked
for ID purposes.

At 11:04 a.m. court recesses until 11:15 a.m.

Direct examination continues

Bench Conference Held/Reported 11:21.

People's Exhibit(s) 2 - Paintball Gun is/are marked for ID
purposes.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

People's Exhibit(s) 3 - Taser is/are marked for ID purposes.

At 11:38 a.m. court recesses
Jury admonished and excused.

At 1:47 p.m. court reconvenes with all present.
Jury present in place.

RYAN HAMLIN resumes on the stand and is
further examined on direct.

Bench Conference Held/Reported 1:50.

Direct examination continues.

People's Exhibit(s) 4 - Diagram by Ryan Hamlin is/are marked for
ID purposes.

Bench Conference Held/Reported 2:22.

Direct examination continues.

People's Exhibit(s) 5 - Black Handgun - Barretta is/are marked
for ID purposes.

People's Exhibit(s) Handgun - (Black) Glock is/are marked for ID
purposes.

People's Exhibit(s) 7 - Sword and Case is/are marked for ID
purposes.

Court recesses at 1453; reconvenes at 1506.

Judicial Assistant S. Dahlgren replaces
P. Fleitman.

All present as before.

Witness Ryan Hamlin resumes on the stand
and is further examined by the People.

People's Exhibit(s) #8 AND #8A is/are marked for ID purposes.
See exhibit list for explanation.

Pause on the record while the People try
to get the computer to play a Compact Disc.

At 15:25 p.m. Exhibit #8 - CD of video of interview of
Ryan Hamlin by Detective Strasser.

Counsel stipulate that the Court Reporter need
not transcribe the audio of the CD.

CD / video projected on the big screen for the
Jury.

At 16:27 p.m. the video/CD is finished and the Court
now reminds the Jury of the admonition and
excuses them for the day - and directs them to
return tomorrow at 8:30 a.m.

The Jury and witnesses leave the courtroom.

The Court and Counsel & Defendant continue
discussion on the record.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

The Defense requests a transcript of a conversation between Detective Strasser and/or Lensing and the Defendant on 02-05-04 (?). Detective Strasser says there is no transcript and any notations of the conversation would be with Lensing's report.

At 16:35 p.m. the Bailiff informs the Court that one of the alternate jurors has informed him that he/she cannot be present next Tuesday due to child care problems.

The Court directs the Bailiff to inform this alternate juror that he/she must be in court and the court will pay for child care next Tuesday if necessary.

At 16:40 p.m. court adjourns.

Jury Trial (In Progress) to resume 10/26/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

People

vs. ~~and~~

Richard Hamlin

Page

1

Case No.

PO4CRF0132

Date:

10-25-05

List of Exhibits

Exh. No.	Offered By		Description	2005	ADMIT	REDACT
	PEO	DEF		ID		
1	✓		Deviator / Small Silver Handgun	10/25	11-17 2005	
2	✓		Paintball Gun / Green & Silver	10/25		
3	✓		Naser	10/25		
4	✓		Diagram by Ryan Hamlin	10/25		
5	✓		Handgun (Black Barretta)	10/25		
6	✓		Handgun (Black)	10/25		
7	✓		Suor & Case	10/25		
8	x		CD of Video interview of Ryan by Strasser	10-25 2005	↓	
8A	x		Transcript of audio of Exh. #8	↓	12-16 2005	
9	x		Copy of Independent Living for Ryan	10-26 2005	OUT	
10	x		Copy of letter to Dad from Ryan	↓	OUT	
11	x		Gray padded ear protectors	↓	11-17 2005	
12	x		Black padded ear protectors	↓	↓	
13	x		CD/video of interview of Alec by Strasser	10-26 2005	↓	
13A	x		Transcript of audio of Exh. #13	10-26 2005	12-16 2005	
14	x		Audio tape of Strasser interview w/ Alec	10-27 2005	11-17 2005	
14A	x		Transcript of audio-tape Exh. #14	↓	12-16 2005	
15	x		CD & Video interview of Claire by C. Warhol	↓	11-17 2005	
15A	x		Transcript of audio of Exh. #15	↓	12-16 2005	
16	x		Copy of letter to Sid Siemer re: lawsuit	11-02 2005	11-17 2005	
17	x		5 pg. copy of letter "Dear Sue"	11-02 2005	12-14 2005	
18	x		11 pg. copy of letter from Susan to her Mom	↓	↓	
19	x		6 pg. copy of letter by Glen Siemer	↓	↓	
20	x		3pg. copy letter from Terri "Hi Sue"	↓	↓	

I HEREBY ACKNOWLEDGE RECEIPT OF ALL EXHIBITS LISTED ABOVE, EXCEPT ANY EXHIBITS

MARKED "RETURNED". Deputy Clerk _____ Date: _____

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
18A	X		Susan's brother Glen Siemer's letter & writings	11-02-2005	OUT	
18B	X		Attached page by Susan Hamlin	↓	12-14-2005	
21	X		3 pg. yellow legal-sized letter, notes of R. Hamlin	↓		
22	X		Small flowered (letter) from Sid Siemer to "Sue"	↓		
23	X		Orig. letter 5 1/2" x 9" from Glen "Howdy"	↓		
24	X		Orig. letter from Susan to her Mother	↓		
25	X		2 pg. copy of card/writing with underlines, etc.	↓	↓	
26	X		Black calendar book "At-A-Glance" 8"x11"	11-03-2005	11-17-2005	
27	X		CD/Video of house condition, Hamlin residence	↓		
28	X		CD of audio interview 2-05-04 Lensing of Susan	11-02-2005	↓	
28.A	X		Transcript of audio on Exhibit #28	↓	12-16-2005	
29	X		CD of audio int. 2-26-04 w/ Susan	↓	11-17-2005	
29.A	X		Transcript of audio on Exhibit #29		12-16-2005	
30	X		CD of audio int. 2-28-04 w/ Susan	11-03-2005	11-17-2005	
30.A	X		Transcript of audio on Exhibit #30	11-03-2005	12-16-2005	
31	X		CD/Video of 3-01-04 w/ Susan	↓	11-17-2005	
31.A	X		Transcript of audio on Exhibit #31	11-03-2005	12-16-2005	
32	X		4 pg. letter "Dear Dad"	↓	11-17-2005	
33	X		SMALL ENVELOPE w/ NOTE	↓		
34	X		2 pg. copy of front + back of counseling Appt. reminder	11-03-2005		
35	X		Med. yellow envelope containing Sim. Appointment	↓		
36	X		CD/audio of Superbowl Sunday 2004 Hamlins	11-03-2005	↓	
36.A	X		Transcript of Exh. #36	↓	12-16-2005	
37	X		CD/audio of Hamlin & Susan	↓	11-17-2005	
37.A	X		Transcript of Exh. #37	↓	12-16-2005	
38	X		Papers & phone book pages	11-03-2005	12-14-2005	over objection
39	X		Legal-size yellow paper w/writings "Margaret"	11-03-2005	12-14-2005	↓
40	X		3 pgs. orig. lined paper w/ "Repudiate: Lying"	↓		
41	X		Legal-size yellow paper w/ "Howard N. Milly"	↓	↓	

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
42	X		8"x11" Dk. blue calendar book 2003 "AT-A-GLANCE"	11-3 05	11-17 2005	
43	X		Yellow evid. envelope containing pen	↓	11-17 2005	
44	X		3 pg. note on lined paper "Notes To Strasser"	11-08 2005		hold
45		X	1 pg. copy w/letterhead "Gromis & Aguirre" w/ note over	11-08 05	12-14 2005	
46		X	3 pg. typed document dated 08-10-03	↓		
47		X	Black + white copy of photo; group of people	↓		
48		X	Black + white copy of photo; child	↓		
49		X	4 pg. document "Dear Layne, Glen and Terri"	11-08 05		
50		X	Notes - 2 Pgs "Keep the feeling of being"	11-08 05		
51		X	Document - 2 Pgs "From Siemer 2@aol.com" 10-02-03	11-08 05	↓	
52		X	1 pg. typed - "Case Narrative"	11-09 05	OUT	
53		X	1 pg. copy "Clinic Progress Record" date 1-04-00		11-09 2005	
54		X	2 pg. "Preventive Medicine Examination" 3-2-00			
55		X	1 pg. "Kaiser Permanente Message" 3-14-00			
56		X	2 pg. "Kaiser" "Dept. of Dermatology" 8-22-00	↓		
57		X	4 pg. Kaiser Report dated 9-12-00	11-09 05		
58		X	2 pg. Kaiser "Patient Progress Record" 11-13-00			
59		X	1 pg. Kaiser "Clinic Progress Record" 11-20-00			
60		X	4 pg. "Kaiser Permanente Message" 11-27-00			
61		X	3 pg. Kaiser "Patient Progress Record" 01-19-01			
62		X	3 pg. Kaiser Permanente Message 01-29-01			
63		X	12 page Kaiser "Patient Progress Record" 2-12-01			
64		X	1 pg. Kaiser "Patient Progress Record" 2-22-01			
65		X	1 pg. Kaiser "Patient Progress Record" 2-27-01			
66		X	1 pg. Radiology Report 3-05-01			
67		X	1 pg. Patient Progress Report 3-20-01			
68		X	8 pg. Kaiser Permanente Message 5-16-01			
69		X	1 pg. Kaiser Patient Progress Record 6-23-01			
70		X	2 pg. Kaiser Permanente Message 8-10-01	↓	↓	

Mon.
Reserve

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
71		X	4 pg. Kaiser "Flexible Sigmoidoscopy" 11-09-01	11-09-05	11-09-2005	
72		X	4 pgs. Kaiser Permanente Message 12-27-01			
73		X	1 pg. Kaiser Radiology Report 02-07-02			
74		X	1 pg. Kaiser Dermatology 04-05-02			
75		X	3 pg. Kaiser Permanente Message 05-30-02			
76		X	1 pg. Kaiser Permanente Message 06-06-02			
77		X	1 pg. " " 07-01-02			
78		X	2 pgs. " " 07-01-02			
79		X	1 pg. " " 08-14-02			
80		X	2 pg. Kaiser Smart Tool - Adult Medicine 9-03-02			
81		X	14 pg. Catholic Healthcare West 10-01-02			
82		X	11 pg. "FAX" To: Christine dated 10-10-02			
83		X	1 pg. Kaiser Patient Progress Record 10-14-02			
84		X	6 pg. Headache Class Progress Report	↓	↓	
85		X	2 pg. - 1 typed, 1 photo (copy) of 2 people	11-09-05	12-14-2005	
86		X	1 pg. copy "Dear Kelly" "December 29, 2003"	↓		
87		X	2 pg. copy e-mail "Hi Nanci..."	↓		
88		X	1 pg. copy e-mail "Dearest Susan, Yes, my mom..."	11-09-05		
89		X	1 pg. copy e-mail "Dear Chris, I don't know..."			
90		X	1 pg. copy e-mail "Christine, I was wondering..."			
91		X	1 pg. copy "12-29-03 Susan called Chris..."			
92		X	1 pg. half-sheet stapled to full sheet "Dearest Susan" February 4, 2004	↓		
93		X	1 pg. copy e-mail "Dear Sue. Wed, 7 Jan 2004"	↓		
94		X	1 pg. copy "Dear Laura"	↓		
95		X	1 pg. copy "Sue phone call to Laura Lawson"	↓		
96		X	1 pg. copy e-mail "Dear Susan"	↓		
97		X	1 pg. copy e-mail "Hi Aunt Alta"	↓	↓	
98		X	1 pg. copy: "mom's miscarriage"	11-10-05	OUT	OUT, with drawing
99		X	1 pg. copy "I was taught..."	↓	12-14-2005	

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
100		X	1 pg. copy "...After Rolling in Hay"	11-10 05	W/D	bold
101		X	1 pg. copy "Significant Discoveries"		12-14 2005	
102		X	2 pg. copy "I have always felt..."			
103		X	1 pg. copy "Sid (Satan) has been so good..."			
104		X	1 pg. copy "Morgan - molest by Glen"			
105		X	4 pg. copy "6/8/03 P. 88 Secret Survivors"			
106		X	1 pg. copy "Fourth Grade Mom-Daughter"			
107		X	1 pg. copy "Rehabilitation"			
108		X	1 pg. copy "Ltr from Rick - She talked..."			
109		X	1 pg copy of envelope addressed to Denise K			
110		X	1 pg copy "Nicer... Thought You might..."			
111		X	1 pg. copy "Affirm the trigger"			
112		X	1 pg. copy "Discovered that Sid has been!!"			
113		X	1 pg. copy "Brainwashing was that..."			
114		X	1 pg. copy "current disappointment sparks..."			
115		X	1 pg. copy "Hypnotic message"			
116		X	1 pg. copy "Hypnosis explains:"			
117		X	1 pg. copy "thought: sid used 1 st diamond"			
118		X	1 pg. copy "Hypnosis Problems"			
119		X	1 pg. copy "People <u>can</u> be hypnotized"			
120		X	2 pg. copy "Christ Lesson"			
121		X	1 pg. copy "Double Bind (Paradox)"			
122		X	1 pg. copy "Which precludes critical!!"			
123		X	1 pg. copy 8x14 "In childhood - My Protector..."			
124		X	1 pg. copy "5 Dimensions of our being"			
125		X	1 pg. copy "Henley's Song 'Forgiveness'"			
126		X	1 pg. copy "Life in the fast lane"			
127		X	1 pg. copy "he had a home..."			
128		X	1 pg. copy "Portal description"	✓	✓	

withdrawn

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
129		X	1 pg. copy "Listened to body pains"	11-10 2005	12-14 2005	
130		X	3 pg. copy "Lisa"	↓		
131		X	1 pg. copy "Discoveries - Memories"	11-10 2005		
132		X	1 pg. copy "Is he considering molest"	11-10 2005	↓	
133		X	37 pg. docs. "Legal Mail"	11-10 05	→	Withdrawn by Defense
133-A		X	1 pg. copy "Current dissatisfaction Sparks..."			based on ruling.
133-B		X	1 pg. copy "Keep the feeling"			
133-C		X	1 pg. copy "the secret"			
133-D		X	1 pg. copy "1983 Sept"			
133-E		X	1 pg. copy "1984 Oct. 20"			
133-F		X	1 pg. copy "1991 Feb/March"			
133-G		X	1 pg. copy "2001 June"			
133-H		X	1 pg. copy "2000 Feb-2000"			
133-I		X	1 pg. copy "Sid with Ryan"			
133-J		X	1 pg. copy "of note"			
133-K		X	1 pg. copy "Sue's memories of Satan"			
133-L		X	1 pg. copy "Memories"			
133-M		X	1 pg. copy "Time"			
133-N		X	1 pg. copy "I was taught that Christian"			
133-O		X	1 pg. copy "Picnic at Great Rock, CA" 2 photos			
133-P		X	1 pg. copy "Info for Sirasser"			
133-Q		X	1 pg. copy "confined to laundry room"			
133-R		X	1 pg. copy envelope to "Lisa"			
133-S		X	1 pg. copy "Lisa - As you now know"			
133-T		X	1 pg. copy "you have been involved in"	↓	→	↓
134		X	1 pg. copy "Glen called 11/3"	11-10 05	12-14 2005	
29-B	X		Audio tape of 2-26-04 Interview of Susan	↓		OUT Return
28-B	X		Audio tape of 2-05-04 Interview of Susan	↓		OUT to Bannin 11/17/05

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
	P	D				
135		✓	Case Narrative by Det. Murphy	11-10	OUT	
136		✓	Wish Survey for Allee	11-10	11-17 2005	Ppj
137	x		2 pg. copy "January 12, 2004 Dear Glen"	11-15 2005	OUT	
138	x		9 pg. copy "Health Record" baby book		12-14 2005	
139	x		3 pg. copy Yearbook signatures	↓	↓	
140	x		5 pg. copy of letter "Thursday, September 04, 2003"	11-15 2005	↓	
141	x		DVD of photos #142 to #174 (Meekma)		11-17 2005	
142	x		8 1/2"x11" hand holding ruler next to 2 calves of		11-15 2005	
143	x		" " photo: person - inner calf.			
144	x		" " photo: hand holding ruler by shin of leg			
145	x		" " photo: ruler by thigh - hip to knee side view			
146	x		" " photo: ruler by hip - hip to mid thigh view - rt.			
147	x		" " photo: ruler by inner thigh - crotch to knee view			
148	x		" " photo: ruler by hip - buttock area - left side			
149	x		" " photo: " lower back			
150	x		" " photo: " stomach area - front view			
151	x		" " photo: " rt. side + back buttocks + lower back			
152	x		" " photo: " left side + hip area			
153	x		" " photo: ruler by back side of right shoulder			
154	x		" " photo: ruler by back side of left arm			
155	x		" " photo: front-view of woman's face			
156	x		" " photo: View behind left ear			
157	x		" " photo: Side view of left ear + cheek			
158	x		" " photo: rt. side view of face + hair, mouth corner + back			
159	x		" " photo: ruler by rt. jawline + under chin			
160	x		" " photo: ruler by rt. side of face at angle	↓		
161	x		" " photo: ruler by rt. corner view of face above chin	11-15 '05		
162	x		" " photo: left ear + cheek			
163	x		" " photo: behind left ear			
163	x		" " photo: ruler by left forearm - top	↓	↓	

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACTED
164	X		" " photo: ruler by underside of ^{upheld} left forearm	11-15 2005	11-15 2005	
165	X		" " photo: ruler by left side of lower back			
166	X		" " photo: ruler by left hip + waist			
167	X		" " photo: ruler by right hip + lower back			
168	X		" " photo: ruler by left chest area - side view			
169	X		" " photo: ruler by rt. side armpit to hip			
170	X		" " photo: ruler by ^{middle} low back + buttocks			
171	X		" " photo: ruler by left hip + buttocks, side view			
172	X		" " photo: ruler by rt. side view hip + upper thigh			
173	X		" " photo: ruler by rt. side view of thigh			
174	X		" " photo: ruler by front view calfs, rt. turned	↓	↓	
175	X		6"x9" yellow evid. envelope w/ "Susan's blood"	11-15 2005	11-17 2005	
176	X		CD of power point presentation -DNA		OUT	Fn 12-21 2005
177	X		Paper copy of power point presentation -DNA		OUT	Fn 12-21 2005
178	X		8 1/2"x11" ^{photo} copy: point half of pen + ruler #s 8 to 15	11-15 2005		
179	X		8 1/2"x11" ^{photo} copy: black pen + ruler #s 1 to 13	↓		
180	X		4"x9 1/2" yellow evid. envelope: "swabbing of blood stain"		12-14 2005	
181	X		6"x9" yellow evid. envelope w/ blood sample Laundry room			
182	X		6"x9" yellow evid. envelope w/ blood sample ^{Seat of van} front pass.	↓		
* 43A	X		Contents: blood sample (pen)	11-15 '05		
* 181.A	X		Small white envelope w/ swab			
* 182.A	X		Small white envelope w/ swab	↓	↓	
183	X		(McLarney) Lg. Diagram:	11-17 '05	11-17 2005	
184	X		Lg. Diagram:			
185	X		Lg. Diagram:			
186	X		8"x11" ^{McLarney} photo: Left angle view of ear, neck + jaw		11-17 2005	
187	X		" " : Close-up front angle view of left ear			
188	X		" " : Close-up view behind left ear			
189	X		" " : Close-up behind left ear, held back	↓	↓	

List of Exhibits

Exh. No.	Offered By		Description	ID	Admit	Redact
	P	D				
190	X		8"x11" photo: Close-up view of part of body	11-17 2005	11-17 2005	
191	X		" " : Close-up view of part of body			
192	X		" " : Close-up view of part of body			
193	X		" " : Close-up view of part of body			
194	X		" " : Hand and part of forearm, horiz. view			
195	X		" " : Right jawline, eye to mid-neck view			
196	X		" " : Right jawline, head tilted back			
197	X		" " : View under chin and neck			
198	X		" " : View of left side of body, armpit to hip			
199	X		" " : View of hip, buttock and side of body			
200	X		" " : Right ear and upper cheek			
201	X		" " : Behind right ear, upper half, held back			
202	X		" " : Close-up of left cheek, nose + eye		✓	
203	X		" " : Close-up of body part, bent		11-17 2005	
204	X		" " : Close-up view, back side of right shldr			
205	X		" " : Waist and lower back			
206	X		" " : Close-view of left side, ribs + hip			
207	X		" " : Close-view of left side waist area			
208	X		" " : Close-view of rib area under breast			
209	X		" " : Close-view of stomach area			
210	X		" " : Rt. side view, rib down to below knee			
211	X		" " : Front-view of woman, face + upper chest			
212	X		" " : Close front-view of upper chest		✓	
213	X		" " : Close, side-view of hip, buttock		11-17 2005	
214	X		" " : Top-inside view of left foot			
215	X		" " : Close-view of body part			
216	X		" " : Close-view of body part			
217	X		" " : Close-view of four fingers, underside			
218	X		" " : Inside of right calf, knee to ankle	✓	✓	

List of Exhibits

Exh. No.	Offered By		Description	ID	Admit	Redact
	P	D				
219	X		CD of photos: Ex #186 to #218	11-17 2005	OUT	
220	X		Envelope addressed to Rita Haggerty	11-17 2005	OUT	
221	X		8"x11" paper w/image of rib cage	↓	11-17 2005	
222	X		8"x11" paper w/image of nose	↓	↓	
223	X		CD/audio of 2-11-04 phone message Macumber	11-17 2005	11-17 2005	
223-A	X		Transcript of Exh. #223	↓	12-16 2005	
224	X		SDT for Lake Natoma Inn (wit. Solberg)	11-17 2005	11-17 2005	
225	X		Power Point (Dr. Arnold + Ex. #s 221+222)	↓	12-16 2005	
226	X		1 pg. copy "Power And Control Wheel"	11-29 2005	11-29 2005	
227	X		1 pg. picture of tan-colored wall with ^{Pink-ish} letters	11-29 2005	11-29 2005	
228		X	2pg. letter from Sharon Bollum to Det. Strasser	11-30 2005	OUT	
★ 35A	X		Small card orthodontic appointment reminder	11-30 2005	12-14 2005	
229	X		CD/audio of message to Lisa Clum	11-30 2005	11-30 2005	
229-A	X		Transcript of Exh. #229	↓	12-14 2005	
230	X		Cardboard box containing shredded books etc.	11-30 2005	↓	
231		X	1 pg. copy w/red underlines "Sue-When I read..."	↓	↓	
232		X	2pg. letter Gironis and Aguirre See #301	↓	12-16 2005	
233		X	2pg. doc. "Terri Htr., phone calls"	↓	OUT	
234		X	1 pg. copy "Dear Sue" September 5, 2003	↓	OUT	
235		X	3 pg. letter "Terri, your letter is a pathetic..."	↓	12-14 2005	
236		X	Card "From The Two Of Us"	↓	↓	
237		X	1 pg. copy "Accusations Rick has made"	11-30 2005	↓	
238	X		8"x11" color pic. of woman's head, side view	12-01 2005	12-01 2005	
239	X		8"x11" color pic. of woman's head, tilted up	↓	↓	
240		X	1 pg. copy "Call For Service Record" See 251.	12-01 2005	12-16 2005	Dupl. JH
241	X		8"x11" color pic. of flowered cloth w/ ^{black in upper left corner} stitched squares	12-01 2005	12-01 2005	
242	X		8"x11" color pic. of " " black gloved hand	↓	↓	
243	X		8"x11" color pic. of flowered cloth w/ small stain	↓	↓	
244	X		" " of gray chair seat + various papers	12-01 2005	12-01 2005	

List of Exhibits

Exh. No.	Offered By		Description	ID	Admit	Redact
	P	D				
245	X		8"x11" color pic. of: room, pink bedding & misc.	12-01 2005	12-01 2005	
246	X		" " : black shelf w/ files and "DUI Contract"			
247	X		" " : floor, file drawers, papers, ^{colored} gray crate etc.			
248	X		" " : floor, gray-colored crate + coiled phone cord ^{rt. edge}			
249	X		" " : top of wash machine w/ red smear	↓	↓	
250	X		Black Paintball mask			held
251	X		Black Tire Iron			held
252	X		Paper grocery bag w/ 3 cans of spray paint	↓	12-14 2005	
253	X		Sm. box of "Snake shot" ammunition	12-01 2005	↓	
254	X		Sm. evid. env. w/ torn wedding photo		OUT	
255	X		Bag of 11 books (10 books; 1 withdrawn)		12-14 2005	
256	X		Bag of misc. & "Cares Jr" wrapper			
257	X		4 pg. doc. "Affidavit Of Custodian Of Records"			
258	X		10 pg. doc. Subpoenaed Records: Berkeley	↓		
259	X		CD/Powerpoint Murphy and Hoagland	12-01 2005		
260	X		CD/powerpoint Lensing pictures			
261	X		CD/Powerpoint Hadjes pictures	↓	↓	
262		X	4 pg. curriculum vitae Marcel B. Matley	12-06 2005	OUT	
263		X	6 pg. Professional Publications of Mr. Matley		OUT	
264		X	3 pg. Testimonies of Marcel B. Matley		OUT	
265		X	Lg. fold-out board "Indicators of Writing..."		OUT	
266		X	Lg. boards, sample of handwriting		OUT	
267		X	8 pg. Bibliography - Effects of Stress on Handwriting	↓	OUT	
268		X	Curriculum vitae of Colin Ross (48 pg.)	↓	OUT	Polj.
269	X		1 pg. copy of e-mail dated 11-06-03 to Jennifer	12-07 2005	12-14 2005	
270		X	1 pg. copy of page 3 of Kate Campbell Craven's notes	12-08 2005	W/D/D OUT	
271		X	1 pg. copy "I stood up to Dad..."	12-08 2005	12-14 2005	
272		X	2 pg. letter 4-18-03 "Sidney, I am writing to notify..."			
273		X	4 pg. letter "Dear Dad, This is a letter..."	↓	↓	

List of Exhibits

Exh. No.	Offered By		Description	ID	Admit		Redact
	P	D					
274		X	1 pg. fax "Child Molester Alert - Beware of Sid Siem"	12-08 2005	12-14 2005		
275		X	1 pg. doc. "Memorandum... Child Molest Alert"	↓			
276		X	2 pg. letter "Dear Judy, I am appealing to you..."	↓			
277		X	1 pg. letter copy from Gromis & Aguirre re: ^{Gentlemen's} agreement	↓			
278		X	5 pg. orig. notes "Empathy for Rick - 1st priority"	↓			
279		X	2 pg. doc. "Empathy for Rick - first priority ^{for} change"	12-08 2005			
280		X	1 pg. copy "Pray Immediately..."	↓			
281		X	1 pg. copy "That triggers anger..."	↓			
282		X	1 pg. copy of e-mail "Dear Alta, This is Rick..." ¹¹⁻⁰⁷⁻⁰³	12-13 2005			
283		X	1 pg. copy of e-mail "Good Morning. I found Laura..." ¹¹⁻⁰⁸⁻⁰³				
284		X	1 pg. copy of e-mail "Susan, Still reeling from your call" ¹²⁻⁰⁶⁻⁰³				
285		X	1 pg. copy of letter to "Nanci Vallenti"				
286		X	1 pg. copy of note "12-29-03 Susan called Chris..." ^{Dup #191}				in Dupl.
287		X	3 pg. copy of letter "Mr. Aguirre" Jan. 05, 2004				
288		X	1 pg. copy of e-mail "Dear Sue, It's been many years..." ^{193 from Lora 1-07-04}		✓		in Dupl.
289		X	1 pg. copy of e-mail "Hello Sue and Rick" ⁰¹⁻⁰⁹⁻⁰⁴ from Nancy	↓	↓		
290		X	1 pg. copy of note "The LEGAL PAD"	↓	12-14 2005		
291		X	1 pg. copy of note "Book of positive mantras..."	12-13 2005	12-14 2005		
292		X	1 pg. copy of note "Discoveries - memories" ^{Dupl. of #131}				in Dupl.
293		X	1 pg. copy of note "I was taught that Christian..." ^{Verify - Duplicate #199}				in Dupl.
294		X	4 pg. copy of notes, incl. "Snuff Film..."	↓			
295		X	4 pg. copy of notes "1984 Engagement"	12-13 2005			
296		X	Lg. diagram by Richard Hamlin	↓			
297		X	CD/video of Richard Hamlin interview 2-28-04	12-14 2005			
297A		X	Transcript of audio portion of Exh. #297	12-14 2005	12-16 2005		
298	X		8x14" yellow paper"	12-14 2005			
299	X		2 pg. letter copy from Hamlin to Aguirre Dec. 03, 2003				
300	X		2 pg. letter copy from Hamlin to Aguirre Dec. 07, 2003 ^{#116 Dupl.}		✓		in Dupl.
301	X		2 pg. letter copy from Gromis & Aguirre June 26, 2003	↓	12-14 2005		

Case Number P04CRF0132

Page No. 13

List of Exhibits

[illegible]

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/19/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 5 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Robert Banning present.

The Court and Counsel are present for motions
and the Defendant in street clothing.
At 8:50 a.m. court convenes on the record with all
At 8:50 a.m. court convenes on the record.
The Defendant and Defense Counsel discuss
three (3) in limine motions regarding "vandalism"
that the Defense seeks to exclude.
The first alleged incident is a can Susan threw
at Rock Church on a Placer County trip.
The second alleged incident is on Shadow
Ridge - paint on a stair the word "Devil".
The third alleged incident is vandalism by
Defendant Hamlin at Sid Siemer's business in
Fresno.
Counsel argue whether the People should be
allowed to bring in "vandalism" evidence.
The Court does not have enough information
to make a ruling today.

Oral motion on behalf of Defense regarding exclude drug use
testimony in connection
with events.
The People agree to stay away from drug use
issues etc. as put forth on the record.

Other issues discussed as follows:
The Court will allow in the evidence of the
children's fear that the Defendant was going to

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

kill their mother in the field.

Regarding tape recordings: the Court will listen to the tape and the People are to provide a copy and transcript of the tape.

Defense requests that documents and photos that are not going to be used - be released. The People are to transport the evidence via an investigator for the Defendant to view. Argument as put forth on the record.

Oral motion on behalf of Defendant regarding do opening statements on Tuesday
Motion is GRANTED.

Defense brings up a motion re: Atty. / Client privilege and certain witnesses and what they may have observed. The Court cannot make a ruling today and the court may have to have a 402 E. C. hearing with the witnesses outside of the Jury's presence.

Other issues also discussed regarding Alec's kindergarten "wish list" / questioning by Detective Strasser / expert questioning tactics. Defense is to provide witness statements to the People.

COURT ORDERS:

Clerk to call the Jury and tell them not to come back until Tuesday - Oct. 25th at 8:30 a.m.

At 10:10 a.m. court adjourns.

Jury Trial (In Progress) to resume 10/25/2005, at 8:30, in Dept. 2.

By 11:00 a.m. all 12 jurors and the 4 alternates have been called and spoken to in person or messages left.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff. Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/18/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 4 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter C. BILLALON
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Robert Banning
present with the Defendant.
Defendant present in street clothing.

Private Investigator Cyndy Hayes present with
the Defendant and sits at Defense Table.

At 8:30 a.m. Jury panels #1 through #5 that filled out
questionnaires arrive as they were directed last
week.

The Bailiff shows the jury movie to the panel.

At 8:45 a.m. the Court - Defendant and Counsel confer
in chambers off-record regarding the jury list.

At 9:08 a.m. court convenes on the record with all
present as listed above.

The Court excuses jurors for cause.

The Court introduces the case to the panel.

The Judicial Assistant (J. A.) calls 24 prospective
jurors to the jury box.

Voir dire by Court of prospective jurors.

Voir dire by Counsel.

At 10:32 a.m. while a juror is questioned in chambers on
the record - the Court allows the remaining panel
to take a break.

At 10:42 a.m. court reconvenes in the courtroom with all
present.

Juror excused for cause is noted on the chart.

At 11:35 a.m. while the Court is questioning a juror in
chambers again; a late juror arrives and is seated
as his/her name was not called yet.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 11:45 a.m. all parties return to the courtroom.
Voir dire continues.

At 12:06 p.m. the Court directs the noon recess
until 1:30 p.m.
Counsel remain for a few minutes to confer
with the Court.

*** NOON RECESS***

At 13:32 p.m. court reconvenes on the record.
All present as before.
Voir dire continues.
The Court and Counsel confer in chambers on
the record re: voir dire of prospective jurors.
Court recesses at 1453; reconvenes at 1500.
All present as before.
One more juror is excused for cause and
replaced.
Voir dire by Court of prospective jurors.
Voir dire by Counsel.
Peremptory challenges are exercised.
Each side excuses 6 jurors each.

At 15:18, both sides being satisfied the jury is sworn.

As alternate jurors are needed - the Judicial
Assistant calls 12 more names to the jury box of
24.
Voir dire by Court of prospective jurors.
Court recesses at 1610; reconvenes at 1618.
All present as before.
Voir dire continues.
Voir dire by Counsel.
Peremptory challenges are exercised.
Four (4) alternate jurors are left.
The Court thanks and excuses the remaining
panel.

Alternate Jurors sworn as such.
Four (4) alternate jurors are sworn.

The Court directs the Jury to return on
Thursday - Oct. 20 - 2005 at 8:30 a.m. and the
Defendant and Counsel will return tomorrow at
8:30 a.m. for motions.
The Court and Counsel continue discussion as
on the record.

Defense and the Defendant inform the Court that
they just got a DNA evidence packet etc.
and they want to do their opening statement
on Tuesday - Oct. 25 - 2005.
The Court will decide tomorrow.

2/23/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 17:17 p.m. court is adjourned.

Jury Trial (In Progress) to resume 10/19/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT COUNTY OF EL DORADO
JURY COMMISSIONER

495 Main Street
Placerville, CA 95667
(530) 621-7469

Tuesday, October 18, 2005

TO WHOM IT MAY CONCERN:

This is to advise you that your employee has appeared for Jury Service as summoned by the Superior Court of El Dorado County on Tuesday, October 18, 2005.

For your information, jurors do not receive payment for the first day of service. If a juror serves **two or more days** they are paid \$15.00 per day plus \$.34 per mile one way, from home to the courthouse.

Please allow three to four weeks for payment to arrive. Jurors may receive separate checks for each week of service. ADDITIONAL DAYS OF JURY SERVICE 10/30/05

Sincerely,

T. Young
T. Young
Jury Coordinator

OCT 11-2005	OCT 25 2005	NOV 15 2005	DEC 15 2005
OCT 12-2005	OCT 26 2005	NOV 16 2005	DEC 19 2005
OCT 13-2005	OCT 27 2005	NOV 17 2005	DEC 20 2005
OCT 18-2005	NOV 1 2005	NOV 29 2005	DEC 21 2005
OCT 19-2005	NOV 2 2005	NOV 30 2005	DEC 22 2005
OCT 20-2005	NOV 3 2005	DEC 1 2005	DEC 23 2005
	NOV 8 2005	DEC 06 2005	DEC 28 2005
	NOV 9 2005	DEC 07 2005	DEC 29 2005
	NOV 10 2005	DEC 08 2005	JAN 02 2006
		DEC 13 2005	JAN 04 2006
			JAN 05 2006
			JAN 10 2006

Deliberations

1=12-20-05
2=12-21-05
3=12-22-05
4=12-28-05
5=12-29-05
6=01-03-06
7=01-04-06
8=01-05-06
9=01-10-06

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/13/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 3 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Robert Banning
of the Public Defender's office also present.
The Defendant is present in street clothing.

At 8:30 a.m. Jury Panel #5 arrives with roll taken in the
lobby by the Jury Coordinator.
The Bailiff addresses the panel and hands
out hardship applications.

At 9:30 a.m. court convenes on the record in the
courtroom with Counsel and the Defendant present.
The Defendant is present in street clothing.
The Judicial Assistant (J. A.) swears the panel
as prospective jurors.
The parties introduce themselves etc.
Jurors excused for hardship.
The nine (9) remaining jurors fill out the jury
questionnaire and then they are free to leave
until Tuesday - Oct. 18 - 2005 at 8:30 a.m.

Court is adjourned for the day.
Each group of questionnaires are delivered to
the county print shop for copies and then Counsel
pick up their copies.

Jury Trial (In Progress) to resume 10/18/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

JURY TRIAL (In Progress)

Date: 10/12/05 Time: 8:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F A, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY 2 ****

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Robert Banning of
the Public Defender's office is also present.
The Defendant is present in street clothing.

At 8:30 a.m. Panel #3 of prospective jurors arrive with
roll taken in the lobby by the Jury Coordinator.
At 8:35 a.m. the Court - Counsel and the Defendant
confer in chambers off the record.
In the courtroom: the Bailiff addresses the panel
and hands out hardship applications etc.

At 9:10 a.m. court convenes on the record with all
present in the courtroom.
The Judicial Assistant (J. A.) swears the panel
as prospective jurors.
The parties introduce themselves.
Jurors excused for hardship.
The eleven (11) remaining prospective jurors
stay to fill out the jury questionnaire.
The Court - Defendant and Counsel confer again
in chambers off the record.

At 13:30 p.m. Jury Panel #4 of prospective jurors arrive
with roll taken in the lobby by the Jury Coordinator.
The Bailiff addresses the panel and hands out
hardship applications etc.
At 13:50 p.m. court reconvenes on the record.
The J. A. (P. Fleitman) swears the panel as
prospective jurors.

2/23/06

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Jurors excused for hardship.
The remaining jurors stay to fill out the jury
questionnaire.

Jury Trial (In Progress) to resume 10/13/2005, at 8:30, in
Dept. 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: JURY PANELS & QUESTIONNAIRES

Date: 10/11/05 Time: 9:30 am Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A) (1) PC-F D, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY ONE ****

CORRECTED MINUTE ORDER (RE: CHARGES)

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Robert Banning
of the Public Defender's office also appears.

The Defendant is dressed in street clothing.

At 8:30 a.m. Jury Panel #1 arrives with roll taken in
the lobby by the Jury Coordinator.
At 8:35 a.m. the Court and Defendant and Counsel confer
in chambers off the record.
The jury trial will proceed on case #P04CRF0132.
The trial will proceed on the Grand Jury
Indictment as it is a continuation of the original
case and charges.
The original charges on this case are now
superceded to reflect the same charges as in
the Indictment - and are changed on the
"charge screen" of the computer - a printout of
which is attached and made part of this minute
order.

At 8:43 a.m. the Bailiff addresses the panel of jurors
and hands out hardship applications etc.
In chambers; the Court - Counsel and Defendant
go over pre-trial issues: witnesses and possible
testimony - discovery etc.
The Court also reviews hardship applications.
The panel and Counsel take a break.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

At 9:35 a.m. court convenes on the record with all present.

The Judicial Assistant (JA) swears the panel as prospective jurors.

The parties introduce themselves.

Jurors excused for hardship.

The Court addresses the remaining panel regarding the jury questionnaire.

After the panel fills out the questionnaire - they are free to leave until Tuesday - Oct. 18th at 8:30 a.m.

At 9:48 a.m. court adjourns until 1:30 p.m.

19 remaining jurors stay to fill out questionnaire

At 13:30 p.m. Jury Panel #2 arrives in 2 groups - one seated in Dept. 2 courtroom and one smaller group seated in Dept. 1 courtroom.

The Bailiff addresses the panels and hands out hardship applications and shows the video

At 14:03 p.m. Dept. 2 court reconvenes on the record.

All present as before.

The J.A. swears the panel as prospective jurors.

The parties introduce themselves.

Jurors excused for hardship.

Jury questionnaires are handed out and when the prospective jurors have filled it out - they may leave.

At 14:13 p.m. court is on break.

At 14:20 p.m. court convenes on the record in Dept. 1 for the remainder of panel #2.

All present as before.

The Court - staff - Defendant and Counsel.

The parties are introduced.

Jurors excused for hardship.

Only 2 prospective jurors remain and they are directed to sit with the rest of panel #2 in Dept. 2 and fill out the questionnaire.

Panel #2 is also instructed to return on Tuesday Oct. 18th at 8:30 a.m.

Court is adjourned for the day.

As each batch of questionnaires are completed the court staff delivers them to the county print shop for copies.

When the copies of each group of questionnaires is returned - Counsel are notified and their copies are picked up.

Jury Trial (In Progress) to resume 10/12/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

10/30/06

Page: 3

Case Number : P04CRF0132 People vs. RICHARD HAMLIN

===== MINUTE ORDER END =====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.

RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

HEARING RE: JURY PANELS & QUESTIONNAIRES

Date: 10/11/05

Time: 9:30 am

Dept/Div: 2

Charges: 1) 206 PC-F D, 2) 273A(A) PC-F D, 3) 273A(A) PC-F D, 4) 273A(A)
5) 245(A)(1) PC-F D, 6) 422 PC-F D, 7) 273.5(A) PC-F D

--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding

Clerk: Dahlgren S.

Court Reporter S. STROMBERG

Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.

Defendant is present IN CUSTODY.

Defendant proceeds in Propria Persona.

2nd Chair Defense Counsel Robert Banning

of the Public Defender's Office also present.

The jury trial will proceed on Case #P04CRF0132.

The trial will proceed on the Grand Jury

Indictment (filed in this case) as it is a

continuation of the original case and charges.

The charges on Case #P04CRF0132 are

superceded by the Indictment for this case

and the charges are amended accordingly on

Case #P04CRF0132.

This case is now closed.

Charges "dismissed" for computer purposes

ONLY.

Count(s) 1 2 3 4 5 dismissed.

Count(s) 6 7 8 9 10 dismissed.

Count(s) 11 12 13 14 15 dismissed.

Count(s) 16 17 18 dismissed.

CUSTODY STATUS

No further appearance is required. Defendant is released.

SEE CASE #P04CRF0132 for all further minutes.

JT hearing set for 10/18/2005 at 9:30 is ordered vacated.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.

RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: JURY PANELS & QUESTIONNAIRES

Date: 10/11/05

Time: 9:30 am

Dept/Div: 2

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A) (1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A

--- MORE CHARGES for this Case/defendant ---

**** JURY TRIAL - DAY ONE ****

CORRECTED MINUTE ORDER (RE: CHARGES)

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter S. STROMBERG
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Robert Banning
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The Defendant is dressed in street clothing.

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the lobby by the Jury Coordinator.
At 8:35 a.m. the Court and Defendant and Counsel confer
in chambers off the record.
The jury trial will proceed on case #P04CRF0132.
The trial will proceed on the Grand Jury
Indictment as it is a continuation of the original
case and charges.
The original charges on this case are now
superceded to reflect the same charges as in
the Indictment - and are changed on the
"charge screen" of the computer - a printout of
which is attached and made part of this minute
order.

At 8:43 a.m. the Bailiff addresses the panel of jurors
and hands out hardship applications etc.
In chambers; the Court - Counsel and Defendant
go over pre-trial issues: witnesses and possible
testimony - discovery etc.
The Court also reviews hardship applications.
The panel and Counsel take a break.

2/02/06

Page: 4

Case Number : P04CRF0132

People vs. RICHARD HAMLIN

At 9:35 a.m. court convenes on the record with all present.

The Judicial Assistant (JA) swears the panel as prospective jurors.

The parties introduce themselves.

Jurors excused for hardship.

The Court addresses the remaining panel regarding the jury questionnaire.

After the panel fills out the questionnaire - they are free to leave until Tuesday - Oct. 18th at 8:30 a.m.

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The Bailiff addresses the panels and hands out hardship applications and shows the video

At 14:03 p.m. Dept. 2 court reconvenes on the record. All present as before.

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The parties introduce themselves.

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Jury questionnaires are handed out and when the prospective jurors have filled it out - they may leave.

At 14:13 p.m. court is on break.

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All present as before.

The Court - staff - Defendant and Counsel.

The parties are introduced.

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Only 2 prospective jurors remain and they are directed to sit with the rest of panel #2 in Dept. 2 and fill out the questionnaire.

Panel #2 is also instructed to return on Tuesday Oct. 18th at 8:30 a.m.

Court is adjourned for the day.

As each batch of questionnaires are completed the court staff delivers them to the county print shop for copies.

When the copies of each group of questionnaires is returned - Counsel are notified and their copies are picked up.

Jury Trial (In Progress) to resume 10/12/2005, at 8:30, in Dept. 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

2/02/06

Page: 5

Case Number : P04CRF0132 People vs. RICHARD HAMLIN

===== MINUTE ORDER END =====

Dispo

OTSCASPR
2/02/06

EL DORA , COUNTY SUPERIOR COURT
CASE PRINT

Page: 1

CASE NUMBER: P04CRF0132
ARREST NBR : EG0402413
ARREST AGY : County Sheriff - PLACERVILLE
Defendant : HAMLIN, RICHARD WILLIAM

DEFENDANT STATUS: Active
ARREST DATE : 6/01/03

Defn : 1 of 1

Date Filed : 03/02/04

District Attorney : V. ASHWORTH
Defense Attorney : HIMSELF - PRO PER
Custody Status : Incustody - Bail:

Continuances: 49
Age in Days : 591
Last Trial : 04/21/07

Charge Information

Ct			Plea	Status	Sev
001	ARREST 206 PC	TORTURE	None		F
001	INFOR 206 PC	TORTURE	NG	Active	F
002	INFOR 273A(A) PC	CHILD CRUELTY: CAUSE POSSIBLE INJURY/DEATH	None	Active	F
003	INFOR 273A(A) PC	CHILD CRUELTY: CAUSE POSSIBLE INJURY/DEATH	None	Active	F
004	INFOR 273A(A) PC	CHILD CRUELTY: CAUSE POSSIBLE INJURY/DEATH	None	Active	F
005	INFOR 245(A) (1) PC	ASSAULT W/ DEADLY WEAPON: GBI	None	Active	F
006	INFOR 422 PC	THREATEN CRIME W/INTENT TO TE ERRORIZE	None	Active	F
007	INFOR 273.5(A) PC	CORPORAL INJURY TO SPOUSE/COHA BITANT	None	Active	F
008	INFOR 236 PC	FALSE IMPRISONMENT	None	Active	F
009	INFOR 273.5(A) PC	CORPORAL INJURY TO SPOUSE/COHA BITANT	None	Active	F
010	GF 12022.7(E) PC INFOR 245(A) (1) PC	GBI - DOMESTIC VIOLENCE ASSAULT W/ DEADLY WEAPON: GBI	None None	Active Active	F
011	INFOR 422 PC	THREATEN CRIME W/INTENT TO TE ERRORIZE	None	Active	F
012	AF 12022(A) (1) PC INFOR 236 PC	ARMED WITH FIREARM FALSE IMPRISONMENT	None None	Active Active	F
013	AF 12022(A) (1) PC INFOR 273.5(A) PC	ARMED WITH FIREARM CORPORAL INJURY TO SPOUSE/COHA	None None	Active Active	F
014	INFOR 245(A) (1) PC	ASSAULT W/ DEADLY WEAPON: GBI	None	Active	F
015	UG 12021.5(A) PC INFOR 422 PC	CRRY FIREARM DRNG 186.22 CRIME THREATEN CRIME W/INTENT TO TE	None None	Active Active	F
016	UG 12021.5(A) PC INFOR 246.3 PC	CRRY FIREARM DRNG 186.22 CRIME NEGLIGENTLY DISCHARGE FIREARM	None None	Active Active	F
017	INFOR 273.5(A) PC	CORPORAL INJURY TO SPOUSE/COHA BITANT	None	Active	F
018	GF 12022.7(E) PC INFOR 245(A) (1) PC	GBI - DOMESTIC VIOLENCE ASSAULT W/ DEADLY WEAPON: GBI	None None	Active Active	F

STATE OF CALIFORNIA

vs

RICHARD WILLIAM HAMLIN

Case No. P04CRF0132

Date: 10/11/05

JURY TRIAL List of Exhibits

Page 1

Exh. No.	Offered By		Description	2005	2005	2005
	PEO	DEF		ID	ADMIT	REDACT
1	X		Deringer - small silver handgun	10/25/05	11/17/05	
2	X		Paintball gun - green and silver	10/25/05	11/17/05	
3	X		Black Taser	10/25/05	11/17/05	
4	X		Diagram by Ryan Hamlin	10/25/05	11/17/05	
5	X		Handgun - black baretta	10/25/05	11/17/05	
6	X		Handgun - glock	10/25/05	11/17/05	
7	X		Sword and case	10/25/05	11/17/05	
8	X		CD of video interview of Ryan Hamlin by Strasser	10/25/05	11/17/05	
8A	X		Transcript of the audio of video/CD Exh. #8	10/25/05	12/16/05	
9	X		Copy of Independent Living plan for Ryan	10/26/05		
10	X		Copy of letter to Dad from Ryan	10/26/05		
11	X		Gray padded ear protectors	10/26/05	11/17/05	
12	X		Black padded ear protectors	10/26/05	11/17/05	
13	X		CD/video of interview of Alec by Strasser	10/26/05	11/17/05	
13A	X		Transcript of the audio of video/CD Exh. #13	10/26/05	12/16/05	
14	X		Audio CD of Strasser interview with Alec	10/27/05	11/17/05	
14A	X		Transcript of audio CD Exh. #14	10/27/05	12/16/05	
15	X		CD/video of interview of Claire by C. Warchol	10/27/05	11/17/05	
15A	X		Transcript of audio CD Exh. #15	10/27/05	12/16/05	
16	X		Copy of letter to Sid Siemer re: lawsuit	11/02/05	11/17/05	
17	X		5 page copy of letter "Dear Sue"	11/02/05	12/14/05	
18	X		11 page copy of letter from Susan to her mom	11/02/05	12/14/05	
18A	X		Writings and letter from Glen Siemer	11/02/05		
18B	X		Writings by Susan Hamlin	11/02/05	12/14/05	
19	X		6 page copy of letter by Glen Siemer	11/02/05	12/14/05	
20	X		3 page copy of letter from Teri "Hi Sue"	11/02/05	12/14/05	
21	X		3 pg. Yellow legal-sized notes	11/02/05	12/14/05	
22	X		Small flowered card / letter to Sue	11/02/05	12/14/05	
23	X		Original letter from Glen "Howdy" 5 1/2" x 9"	11/02/05	12/14/05	
24	X		Letter from Susan to her mother	11/02/05	12/14/05	

List of Exhibits

PAGE 2

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
25	X		2 page copy of card w/underlines etc.	11/02/05	12/14/05	
26	X		Black calendar book, At-A-Glance, 8" x 11"	11/02/05	11/17/05	
27	X		CD / video of house condition, Hamlin residence	11/02/05	11/17/05	
28	X		CD/audio interview by Lensing of Susan 2-05-05	11/02/05	11/17/05	
28A	X		Transcript of audio on Exhibit #28	11/02/05	12/16/05	
28B	X		Audio tape of 02-05-05 interview of Susan	11/10/05		
29	X		CD of audio interview of Susan on 02-26-04	11/02/05	11/17/05	
29A	X		Transcript of audio on Exhibit #29	11/10/05	12/16/05	
29B	X		Audio tape of 02-26-04 Interview of Susan	11/10/05		
30	X		CD of audio interview of Susan on 02-28-04	11/02/05	11/17/05	
30A	X		Transcript of audio on Exhibit #30	11/02/05	12/16/05	
31	X		CD of video of interview of Susan on 03-01-05	11/02/05	11/17/05	
31A	X		Transcript of audio on Exhibit #31	11/02/05	12/16/05	
32	X		4 pg. Letter "Dear Dad"	11/02/05	11/17/05	
33	X		Small envelope with note	11/02/05	11/17/05	
34	X		Item addressed to Dr. Kent Thompson	11/02/05	11/17/05	
35	X		Envelope - counseling referral slip	11/02/05	11/17/05	
35A	X		Small card of orthodontic appointment reminder	11/30/05	12/14/05	
36	X		CD/audio of Hamlin recording Superbowl Sunday	11/03/05	11/17/05	
36A	X		Transcript of audio of Exhibit #36	11/03/05	12/16/05	
37	X		CD/audio of Def. Hamlin and Susan	11/03/05	11/17/05	
37A	X		Transcript of audio of Exhibit #37	11/03/05	12/16/05	
38	X		Papers and phone book pages	11/03/05	12/14/05	
39	X		Legal-size yellow paper with writings	11/03/05	12/14/05	
40	X		3 page lined paper with "Repudiate: Lying"	11/03/05	12/14/05	
41	X		Legal-size yellow paper w/ "Howard N. Milly"	11/03/05	12/14/05	
42	X		Dk. Blue calendar book "At-A-Glance" 2003	11/03/05	11/17/05	
43	X		Yellow evididence envelope containing pen	11/03/05	11/17/05	
43A	X		Contents of #43: pen in plastic ziplock bag	11/15/05	12/14/05	
44	X		3 page note on lined paper "Notes To Strasser"	11/08/05		
44A	X		Redacted copy of Exhibit #44	12/20/05	12/20/05	
45		X	1 page copy with letterhead "Gromis & Aguire"	11/08/05	12/14/05	
46		X	3 page typed document dated 08-10-03	11/08/05	12/14/05	
47		X	Black & white copy of photo; group of people	11/08/05	12/14/05	
48		X	Black & white copy of photo; child	11/08/05	12/14/05	

List of Exhibits

PAGE 3

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
49		X	4 page document "Dear Layne, Glen and Terri"	11/08/05	12/14/05	
50		X	2 page copy "Keep the feeling of being..."	11/08/05	12/14/05	
51		X	2 page copy "From Siemer2@aol.com" 10-02-03	11/08/05	12/14/05	
52		X	1 page typed "Case Narrative"	11/09/05		
53		X	1 pg. Clinic Progress Record 01-04-00	11/09/05	11/09/05	
54		X	2 page Preventative Medicine Exam 03-02-00	11/09/05	11/09/05	
55		X	1 pg. Kaiser Permanente Message 03-14-00	11/09/05	11/09/05	
56		X	2 pg. Kaiser Dept. of Dermatology 08-22-00	11/09/05	11/09/05	
57		X	4 pg. Kaiser Report dated 09-12-00	11/09/05	11/09/05	
58		X	2 pg. Kaiser Patient Progress Record 11-13-00	11/09/05	11/09/05	
59		X	1 pg. Kaiser Clinic Progress Record 11-20-00	11/09/05	11/09/05	
60		X	4 pg. Kaiser Permanente Message 11-27-00	11/09/05	11/09/05	
61		X	3 pg. Kaiser Patient Progress Record 01-19-01	11/09/05	11/09/05	
62		X	3 pg. Kaiser Permanente Message 01-29-01	11/09/05	11/09/05	
63		X	12 pg. Kaiser Patient Progress Record 02-12-01	11/09/05	11/09/05	
64		X	1 pg. Kaiser Patient Progress Record 02-22-01	11/09/05	11/09/05	
65		X	1 pg. Kaiser Patient Progress Record 02-27-01	11/09/05	11/09/05	
66		X	1 pg. Radiology Report 03-05-01	11/09/05	11/09/05	
67		X	1 pg. Patient Progress Report 03-20-01	11/09/05	11/09/05	
68		X	8 pg. Kaiser Permanente Message 05-16-01	11/09/05	11/09/05	
69		X	1 pg. Kaiser Patient Progress Record 06-23-01	11/09/05	11/09/05	
70		X	2 pg. Kaiser Permanente Message 08-10-01	11/09/05	11/09/05	
71		X	4 pg. Kaiser Flexible Sigmoidoscopy 11-09-05	11/09/05	11/09/05	
72		X	4 pg. Kaiser Permanente Message 12-27-01	11/09/05	11/09/05	
73		X	1 pg. Kaiser Permanente Message 02-07-02	11/09/05	11/09/05	
74		X	1 pg. Kaiser Dermatology 04-05-02	11/09/05	11/09/05	
75		X	3 pg. Kaiser Permanente Message 05-30-02	11/09/05	11/09/05	
76		X	1 pg. Kaiser Permanente Message 06-06-02	11/09/05	11/09/05	
77		X	1 pg. Kaiser Permanente Message 07-01-02	11/09/05	11/09/05	
78		X	2 pg. Kaiser Permanente Message 07-01-02	11/09/05	11/09/05	
79		X	1 pg. Kaiser Permanente Message 08-14-02	11/09/05	11/09/05	
80		X	2 pg. Kaiser Smart Tool - Adult Medicine 09-03-02	11/09/05	11/09/05	
81		X	14 pg. Catholic Healthcare West 10-01-02	11/09/05	11/09/05	
82		X	11 pg. "FAX" to Christine dated 10-10-02	11/09/05	11/09/05	
83		X	1 pg. Kaiser Patient Progress Record 10-14-02	11/09/05	11/09/05	

List of Exhibits

PAGE 4

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
84		X	6 pg. Headache Class Progress Report	11/09/05	11/09/05	
85		X	2 pages copy - 1 typed and 1 photo	11/09/05	12/14/05	
86		X	1 page copy "Dear Kelly" "December 29, 2003"	11/09/05	12/14/05	
87		X	2 page copy e-mail "Hi Nanci..."	11/09/05	12/14/05	
88		X	1 page copy e-mail "Dearest Susan..."	11/09/05	12/14/05	
89		X	1 page copy e-mail "Dear Chris, I don't know..."	11/09/05	12/14/05	
90		X	1 page copy e-mail "Christine, I was wondering..."	11/09/05	12/14/05	
91		X	1 page copy "12-29-03 Susan called Chris..."	11/09/05	12/14/05	
92		X	1 page half-sheet stapled to full-sheet "Dearest..."	11/09/05	12/14/05	
93		X	1 page copy e-mail "Dear Sue. Wed, 7 Jan 2004"	11/09/05	12/14/05	
94		X	1 page copy "Dear Laura"	11/09/05	12/14/05	
95		X	1 page copy "Sue phone call to Laura Lawson"	11/09/05	12/14/05	
96		X	1 page copy e-mail "Dear Susan"	11/09/05	12/14/05	
97		X	1 page copy e-mail "Hi Aunt Alta"	11/09/05	12/14/05	
98		X	1 page copy "Mom's miscarriage"	11/10/05		
99		X	1 page copy "I was taught that Christian"	11/10/05	12/14/05	
100		X	1 page copy "...After rolling in hay"	11/10/05		
101		X	1 page copy "Significant Discoveries"	11/10/05	12/14/05	
102		X	2 page copy "I have always felt"	11/10/05	12/14/05	
103		X	1 page copy "Sid (Satan) has been so good"	11/10/05	12/14/05	
104		X	1 page copy "Morgan - molest by Glen"	11/10/05	12/14/05	
105		X	4 page copy "6/8/03 p.88 Secret Survivors"	11/10/05	12/14/05	
106		X	1 page copy "Fourth Grade Mom-Daughter"	11/10/05	12/14/05	
107		X	1 page copy "Rehabilitation"	11/10/05	12/14/05	
108		X	1 page copy "Ltr from Rick - she talked..."	11/10/05	12/14/05	
109		X	1 page copy of envelope addressed to Denise K	11/10/05	12/14/05	
110		X	1 page copy "Nicer... Thought you might..."	11/10/05	12/14/05	
111		X	1 page copy "Affirm the trigger"	11/10/05	12/14/05	
112		X	1 page copy "Discovered that Sid has been..."	11/10/05	12/14/05	
113		X	1 page copy "Brainwashing was that..."	11/10/05	12/14/05	
114		X	1 page copy "current disappointment sparks"	11/10/05	12/14/05	
115		X	1 page copy "Hypnotic message"	11/10/05	12/14/05	
116		X	1 page copy "Hypnosis explains"	11/10/05	12/14/05	
117		X	1 page copy "thought: Sid used 1st diamond"	11/10/05	12/14/05	
118		X	1 page copy "Hypnosis Problems"	11/10/05	12/14/05	

LIST OF EXHIBITS

PAGE 5

Offered By		Description	ID	ADMIT	REDACT
Exh. No.	P				
119		X 1 page copy "People can be hypnotized"	11/10/05	12/14/05	
120		X 2 page copy "Christ Lesson"	11/10/05	12/14/05	
121		X 1 page copy "Double Bind (Paradox)"	11/10/05	12/14/05	
122		X 1 page copy "Which precludes critical"	11/10/05	12/14/05	
123		X 1 page 8x14 "In childhood - My protector"	11/10/05	12/14/05	
124		X 1 page copy "5 Dimensions of our being"	11/10/05	12/14/05	
125		X 1 page copy "Henley's song 'Forgiveness'"	11/10/05	12/14/05	
126		X 1 page copy "Life in the fastlane"	11/10/05	12/14/05	
127		X 1 page copy "he had a home..."	11/10/05	12/14/05	
128		X 1 page copy "Portal description"	11/10/05	12/14/05	
129		X 1 page copy "Listened to body pains"	11/10/05	12/14/05	
130		X 3 page copy "Lisa"	11/10/05	12/14/05	
131		X 1 page copy "Discoveries - Memories"	11/10/05	12/14/05	
132		X 1 page copy "Is he considering molest"	11/10/05	12/14/05	
133		X 37 page document(s) "Legal mail"	11/10/05		
133-A		X 1 page copy "current disappointment sparks..."	11/10/05		
133-B		X 1 page copy "keep the feeling"	11/10/05		
133-C		X 1 page copy "the secret"	11/10/05		
133-D		X 1 page copy "1983 Sept"	11/10/05		
133-E		X 1 page copy "1984 Oct. 20"	11/10/05		
133-F		X 1 page copy "1991 Feb/March"	11/10/05		
133-G		X 1 page copy "2001 June"	11/10/05		
133-H		X 1 page copy "2000 Feb - 2000"	11/10/05		
133-I		X 1 page copy "Sid with Ryan"	11/10/05		
133-J		X 1 page copy "of note:"	11/10/05		
133-K		X 1 page copy "Sue's memories of Satan"	11/10/05		
133-L		X 1 page copy "Memories"	11/10/05		
133-M		X 1 page copy "Time"	11/10/05		
133-N		X 1 page copy "I was taught that Christian"	11/10/05		
133-O		X 1 page copy "Picnic at Goat Rock, CA" 2 photos	11/10/05		
133-P		X 1 page copy "Infor For Strasser"	11/10/05		
133-Q		X 1 page copy "confined to laundry room"	11/10/05		
133-R		X 1 page copy envelope to "Lisa"	11/10/05		
133-S		X 1 page copy "Lisa - As you now know"	11/10/05		
133-T		X 1 page copy "you have been involved in"	11/10/05		

LIST OF EXHIBITS

Page 6

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
134		X	1 page copy "Glen called 11/3"	11/10/05	12-14-05	
135		X	Case narrative by Detective Murphy	11/10/05		
136		X	Wish survey for Alec	11/10/05	11/17/05	
137	X		2 page copy "January 12, 2004 Dear Glen"	11/15/05		
138	X		9 page copy "Health Record" baby book pages	11/15/05	12/14/05	
139	X		3 page copy yearbook signatures	11/15/05	12/14/05	
140	X		5 page copy "Thursday, September 04, 2003"	11/15/05	12/14/05	
141	X		CD of photos	11/15/05	11/17/05	
			142 to 174 are 8.5"x11" color prints of photos	11/15/05		
142	X		Ruler by inner calf, view of both calves	11/15/05	11/15/05	
143	X		Ruler by shin of leg	11/15/05	11/15/05	
144	X		Ruler by thigh - hip to knee right side view	11/15/05	11/15/05	
145	X		Ruler by hip - right view of hip to mid-thigh	11/15/05	11/15/05	
146	X		Ruler by inner thigh, left leg, crotch to knee view	11/15/05	11/15/05	
147	X		Ruler by left hip/buttock area	11/15/05	11/15/05	
148	X		Ruler by lower back	11/15/05	11/15/05	
149	X		Ruler by stomach area - front view	11/15/05	11/15/05	
150	X		Ruler by right side & back buttocks & lower back	11/15/05	11/15/05	
151	X		Ruler by left side and hip area	11/15/05	11/15/05	
152	X		Ruler by back side of right shoulder	11/15/05	11/15/05	
153	X		Ruler by back side of left arm	11/15/05	11/15/05	
154	X		Front view of woman's face	11/15/05	11/15/05	
155	X		View behind left ear	11/15/05	11/15/05	
156	X		Side view of left ear and cheek	11/15/05	11/15/05	
157	X		Right side view of face & hair, mouth not in view	11/15/05	11/15/05	
158	X		Ruler by right jawline and under chin	11/15/05	11/15/05	
159	X		Ruler by right side of face at angle	11/15/05	11/15/05	
160	X		Ruler by right corner view of face above chin	11/15/05	11/15/05	
161	X		Left ear and cheek	11/15/05	11/15/05	
162	X		Behind left ear	11/15/05	11/15/05	
163	X		Ruler by top of left forearm	11/15/05	11/15/05	
164	X		Ruler by upheld underside of left forearm	11/15/05	11/15/05	
165	X		Ruler by left side of lower back	11/15/05	11/15/05	
166	X		Ruler by left hip and waist	11/15/05	11/15/05	
167	X		Ruler by right hip and lower back	11/15/05	11/15/05	

LIST OF EXHIBITS

Page 7

Offered By		Description	ID	ADMIT	REDACT
Exh. No.	P D				
168	X	Ruler by left chest area, side view	11/15/05	11/15/05	
169	X	Ruler by right side, armpit to hip view	11/15/05	11/15/05	
170	X	Ruler in middle by lower back and buttocks	11/15/05	11/15/05	
171	X	Ruler by left hip and buttocks, side view	11/15/05	11/15/05	
172	X	Ruler by right side, view of hip and upper thigh	11/15/05	11/15/05	
173	X	Ruler by right side view of thigh	11/15/05	11/15/05	
174	X	Ruler by front view of calves, right calf turned	11/15/05	11/15/05	
175	X	6"x9" yellow evidence envelope w/Susan's blood	11/15/05	11/17/05	
176	X	Compact Disc of Power Point presentation	11/15/05	12/21/05	
177	X	Paper copy of Power Point presentation	11/15/05	12/21/05	
178	X	Color photo copy of point half of pen & ruler #8-15	11/15/05	11/15/05	
179	X	Color photo copy of black pen & ruler #1 - 13	11/15/05	11/15/05	
180	X	4"x9.5" yellow envelope "swabbing of bloodstain"	11/15/05	12/14/05	
181	X	6"x9" envelope w/blood sample, laundry room	11/15/05	12/14/05	
181-A	X	Small white envelope w/swab	11/15/05	12/14/05	
182	X	6"x9" envelope w/blood sampe, pass. Van seat	11/15/05	12/14/05	
182-A	X	Small white envelope w/swab	11/15/05	12/14/05	
183	X	Large diagram	11/17/05	11/17/05	
184	X	Large diagram	11/17/05	11/17/05	
185	X	Large diagram	11/17/05	11/17/05	
		186 to 218 are 8.5"x11" color prints of photos			
186	X	Photo: Left angle view of ear, neck and jaw	11/17/05	11/17/05	
187	X	Photo: Close-up front angle view of left ear	11/17/05	11/17/05	
188	X	Photo: Close-up view behind left ear	11/17/05	11/17/05	
189	X	Photo: Close-up view behind left ear, held back	11/17/05	11/17/05	
190	X	Photo: Close-up view of part of body	11/17/05	11/17/05	
191	X	Photo: Close-up view of part of body	11/17/05	11/17/05	
192	X	Photo: Close-up view of part of body	11/17/05	11/17/05	
193	X	Photo: Close-up view of part of body	11/17/05	11/17/05	
194	X	Photo: Hand and part of forearm, horizontal view	11/17/05	11/17/05	
195	X	Photo: Right jawline, eye to mid-neck view	11/17/05	11/17/05	
196	X	Photo: Right jawline, head tilted back	11/17/05	11/17/05	
197	X	Photo: View under chin and neck	11/17/05	11/17/05	
198	X	Photo: View of left side of body, armpit to hip	11/17/05	11/17/05	
199	X	Photo: View of hip, buttock and side of body	11/17/05	11/17/05	

LIST OF EXHIBITS

Page 8

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
200	X		Photo: Right ear and upper cheek	11/17/05	11/17/05	
201	X		Photo: Behind right ear, upper half, held back	11/17/05	11/17/05	
202	X		Photo: Close-up of left cheek, nose & eye	11/17/05	11/17/05	
203	X		Photo: Close-up of body part, bent	11/17/05	11/17/05	
204	X		Photo: Close-up view back side of right shoulder	11/17/05	11/17/05	
205	X		Photo: Waist and lower back	11/17/05	11/17/05	
206	X		Photo: Close-view of left side, ribs and hip	11/17/05	11/17/05	
207	X		Photo: Close-view of left side waist area	11/17/05	11/17/05	
208	X		Photo: Close-view of rib area under breast	11/17/05	11/17/05	
209	X		Photo: Close-view of stomach area	11/17/05	11/17/05	
210	X		Photo: Right side view, rib down to below knee	11/17/05	11/17/05	
211	X		Photo: Front-view of woman, face and upper chest	11/17/05	11/17/05	
212	X		Photo: Close-front view of upper chest	11/17/05	11/17/05	
213	X		Photo: Close side-view of hip, buttock	11/17/05	11/17/05	
214	X		Photo: Top-inside view of left foot	11/17/05	11/17/05	
215	X		Photo: Close-view of body part	11/17/05	11/17/05	
216	X		Photo: Close -view of body part	11/17/05	11/17/05	
217	X		Photo: Close-view of four fingers, underside	11/17/05	11/17/05	
218	X		Photo: Inside of right calf, knee to ankle	11/17/05	11/17/05	
219	X		CD of photos Exhibit #s 186 to 218	11/17/05		
220	X		Envelope addressed to "Rita Haggerty"	11/17/05		
221	X		8"x11" paper with image of rib cage	11/17/05	11/17/05	
222	X		8"x11" paper with image of nose	11/17/05	11/17/05	
223	X		CD/audio of 2-11-04 phone message (Macumber)	11/17/05	11/17/05	
223-A	X		Transcript of Exhibit #223	11/17/05	11/17/05	
224	X		SDT for Lake Natoma Inn (wit. Solberg)	11/17/05	11/17/05	
225	X		Power Point presentation (Dr. Arnold & #s 221,222)	11/17/05	11/17/05	
226	X		1 page copy "Power And Control Wheel"	11/29/05	11/29/05	
226-A	X		CD/Power Point "Power And Control Wheel"	12/16/05		
227	X		1 page picture of tan-colored wall w/pinkish letters	11/29/05	11/29/05	
228		X	2 page letter from Sharon Bollum to Det. Strasser	11/30/05		
229	X		CD/audio of message to Lisa Clum	11/30/05	11/30/05	
229A	X		Transcript of Exhibit #229	11/30/05	12/14/05	
230	X		Cardboard box containing shredded books, etc.	11/30/05	12/14/05	
231		X	1 page copy w/red underlines "Sue - When I read"	11/30/05	12/14/05	

LIST OF EXHIBITS

Page 9

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	P	D				
232		X	2 page letter "Gromis and Aguire"	11/30/05	12/16/05	
233		X	2 page document "teri ltr., phone calls"	11/30/05		
234		X	1 page copy "Dear Sue" September 5, 2003	11/30/05		
235		X	3 page letter "Terri, Your letter is a pathetic..."	11/30/05	12/14/05	
236		X	Card: "From The Two Of Us"	11/30/05	12/14/05	
237		X	1 page copy "Accusations Rick has made"	11/30/05	12/14/05	
238	X		8"x11" color photo: woman's head, side view	12/01/05	12/01/05	
239	X		8"x11" color photo: woman's head, tilted up	12/01/05	12/01/05	
240		X	1 page copy "Call For Service Record"	12/01/05	12/16/05	
241	X		8"x11" color photo: flowered cloth w/stiched square	12/01/05	12/01/05	
242	X		" " photo: black gloved hand on flowered cloth	12/01/05	12/01/05	
243	X		" " photo: flowered cloth with small stain	12/01/05	12/01/05	
244	X		" " photo: gray chair seat & various papers	12/01/05	12/01/05	
245	X		" " photo: room, pink bedding, clothing & misc.	12/01/05	12/01/05	
246	X		" " photo: black shelf w/files and "DUI Contract"	12/01/05	12/01/05	
247	X		" " photo: floor, file drawers, papers, gray crate	12/01/05	12/01/05	
248	X		" " photo: floor, gray crate & coiled phone cord (lft)	12/01/05	12/01/05	
249	X		" " photo: top of wash machine with red smears	12/01/05	12/01/05	
250	X		Black paintball mask	12/01/05		
251	X		Black tire iron	12/01/05		
252	X		Paper grocery bag with 3 cans of spray paint	12/01/05	12/14/05	
253	X		Small box of "snake shot" ammunition	12/01/05	12/14/05	
254	X		Small evidence envelope with torn wedding photo	12/01/05		
255	X		Paper grocery bag containing 11 books	12/01/05	12/14/05	
256	X		Paper grocery bag of misc. & Carl's Jr. wrapper	12/01/05	12/14/05	
257	X		4 page document "Affidavit Of Custodian of Rec."	12/01/05	12/14/05	
258	X		10 page document, subpoenaed records Berkeley	12/01/05	12/14/05	
259	X		CD/Powerpoint Murphy and Hoagland	12/01/05	12/14/05	
260	X		CD/Powerpoint Lensing pictures	12/01/05	12/14/05	
261	X		CD/Powerpoint Hadjes pictures	12/01/05	12/14/05	
262		X	4 page Curriculum Vitae Marcel B. Matley	12/06/05		
263		X	6 page Professional Publications of Mr. Matley	12/06/05		
264		X	3 page Testimonies of Marcel B. Matley	12/06/05		
265		X	Large fold-out board "Indicators Of Writing..."	12/06/05		
266		X	Large boards, samples of handwriting	12/06/05		

LIST OF EXHIBITS

Page 10

Offered By		Description	ID	ADMIT	REDACT
Exh. No.	P				
267		X 8 page Bibliography - Effects Of Stress..."	12/06/05		
268		X Curriculum Vitae of Colin Ross (48 pages)	12/06/05		
269	X		1 page copy of e-mail to Jennifer Hamilton 11-06-03	12/07/05	12/14/05
270		X 1 page copy of Kate Campbell Craven's notes	12/08/05		
271		X 1 page copy "I stood up to Dad..."	12/08/05	12/14/05	
272		X 2 page letter "Sidney, I am writing to notify" 4/18/03	12/08/05	12/14/05	
273		X 4 page letter "Dear Dad, This is a letter"	12/08/05	12/14/05	
274		X 1 page fax "Child Molester Alert-Be Aware of Sid"	12/08/05	12/14/05	
275		X 1 page doc. "Memorandum...Child Molest Alert"	12/08/05	12/14/05	
276		X 2 page letter "Dear Judy, I am appealing to you"	12/08/05	12/14/05	
277		X 1 page letter from Gromis & Aguirre (gentlemen's)	12/08/05	12/14/05	
278		X 5 page orig. notes "Empathy for Rick - 1st priority"	12/08/05	12/14/05	
279		X 2 page doc. "Empathy for Rick - first priority"	12/08/05	12/14/05	
280		X 1 page copy "Pray immediately..."	12/08/05	12/14/05	
281		X 1 page copy "that triggers anger..."	12/08/05	12/14/05	
282		X 1 page copy "Dear Alta, This is Rick..."	12/13/05	12/14/05	
283		X 1 page copy "Good Morning, I found Laura's..."	12/13/05	12/14/05	
284		X 1 page copy "Susan, Still reeling from your call..."	12/13/05	12/14/05	
285		X 1 page copy of letter to "Nanci Vallenti"	12/13/05	12/14/05	
286		X 1 page copy of note "Susan called Chris" 12-29-03	12/13/05	12/14/05	
287		X 3 page copy of letter "Mr. Aguirre" Jan. 05, 2004	12/13/05	12/14/05	
288		X 1 page copy of e-mail "Dear Sue, It's been many..."	12/13/05	12/14/05	
289		X 1 page copy of e-mail "Hello Sue and Rick" Nancy	12/13/05	12/14/05	
290		X 1 page copy of note "The LEGAL PAD"	12/13/05	12/14/05	
291		X 1 page copy of note "Book of positive mantras..."	12/13/05	12/14/05	
292		X 1 page copy of note "Discoveries - Memories"	12/13/05	12/14/05	
293		X 1 page copy of note "I was taught that Christian..."	12/13/05	12/14/05	
294		X 4 page copy of notes incl. "Snuff Film"	12/13/05	12/14/05	
295		X 4 page copy of notes "1984 Engagement"	12/13/05	12/14/05	
296		X Lg. Diagram by Richard Hamlin	12/13/05	12/14/05	
297		X CD/video of Richard Hamlin interview 2-28-04	12/14/05	12/14/05	
297A		X Transcript of audio portion of Exhibit #297	12/14/05	12/16/05	
298	X		8"X11" yellow paper	12/14/05	12/14/05
299	X		2 page letter from Hamlin to Aguirre Dec. 03, 2003	12/14/05	12/14/05
300	X		2 page letter from Hamlin to Aguirre Dec. 07, 2003	12/14/05	12/14/05

LIST OF EXHIBITS

Page 11

Offered By			Description	ID	ADMIT	REDACT
Exh. No.	P	D				
301	X		2 page letter from Gromis & Aguirre Jun. 26,2003	12/14/05	12/14/05	

I HEREBY ACKNOWLEDGE RECEIPT OF ALL EXHIBITS LISTED ABOVE, EXCEPT ANY EXHIBITS MARKED "RETURNED". Deputy Clerk _____ Date: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

HEARING RE: Jury Questionnaires

Date: 09/27/05 Time: 11:00 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A

--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Deputy District Attorney V. ASHWORTH present.
Deputy District Attorney J. ALEXANDER also pres.
Defendant is Not Present.
2nd Chair Defense R. Banning present.

Defendant waived his own appearance today.

The Court and Counsel go over the proposed
jury questionnaire.
After all the corrections are made by all parties:
Oral motion on behalf of stipulation regarding approve
questionnaire for printing.
Motion is GRANTED.

At 12:10 p.m. meeting is adjourned.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: Jury Questionnaires

Date: 09/27/05 Time: 11:00 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Deputy District Attorney V. ASHWORTH present.
Deputy District Attorney J. ALEXANDER also pres.
Defendant is Not Present.
2nd Chair Defense R. Banning present.

Defendant waived his own appearance today.

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After all the corrections are made by all parties:
Oral motion on behalf of stipulation regarding approve
questionnaire for printing.
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At 12:10 p.m. meeting is adjourned.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

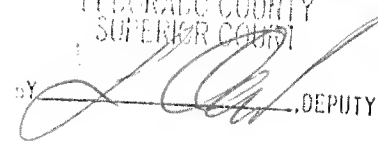
=====MINUTE ORDER END=====

Dispo

1 **GARY L. LACY**
2 DISTRICT ATTORNEY
3 El Dorado County
4 515 Main Street
5 Placerville CA 95667
6 Telephone: (530) 621-6472

7 Attorneys for Plaintiff

FILED
05 SEP 27 PM 1:58

EL DORADO COUNTY
SUPERIOR COURT
BY  DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 RICHARD W. HAMLIN

14 Defendant.

No.P04CRF0132

AFFIDAVIT FOR
ATTENDANCE OF
OUT-OF-STATE
WITNESS

MARK STEENBURG

15 STATE OF CALIFORNIA)
16 County of El Dorado) ss.

17 TO: The Honorable Judge of the above entitled Court:

18 The undersigned Vicki L. Ashworth, Deputy District Attorney of the County of El
19 Dorado, State of California, hereby reports and certifies as follows:

20 1. That there is now pending before the El Dorado County Superior Court,
21 Department Two a criminal prosecution by the State of California against RICHARD W.
22 HAMLIN, Defendant, wherein said Defendant stands accused and charged with having
23 committed a criminal offense against the laws of the State of California, to wit: Torture, Corporal
24 Injury to Spouse, Discharge of a Firearm, Criminal Threats and Child Abuse and Endangerment,
25 as more fully set forth in the pleading attached hereto and incorporated by reference as Exhibit
26 "A", fully set forth herein.

27 2. That the Jury Trial therein is scheduled to commence in the City of Placerville, El
28 Dorado County, State of California, on **Tuesday, October 11, 2005 at 8:30 a.m.** of said day, and

1 continue thereafter until completion of said proceeding.

2 3. That Mark Steenburg, whose last known address is 616 Iris Court, Crystal Lake,
3 Illinois is a necessary and material witness and a principal witness for the State of California in
4 such prosecution by reason of the following:

5 The witness is relevant in establishing an offense date and in perceiving an act of
6 domestic violence.

7 Briefly summarized, the facts of the case, together with the anticipated testimony of the
8 witness sought to be compelled are as follows:

9 He is needed to testify regarding a visit he made to the defendant and victim's home in
10 2004. During that visit and while the witness was in the home, the victim yelled out for help as
11 she was being abused. The witness heard her cry for help.

12 4. That the presence of the said witness personally in the criminal prosecution of this case for
13 the purpose of giving testimony therein upon the part of the State of California will be required
14 for a period of one court day, to wit: November 3, 2005 commencing at the hour of 10:00 a.m.

15 5. That if the said witness comes into the State of California in obedience to a Summons
16 directing him to attend and testify at said proceeding, the laws of the State of California and of
17 any other state through which said witness may be required to pass by the ordinary course of
18 travel to attend said proceeding give him protection from arrest or the service of process, civil or
19 criminal, in connection with matters which arose before his entrance into said state pursuant to
20 said Summons.

21 6. It is requested that the Certificate include a recommendation that the witness,
22 MARK STEENBURG, be ordered to appear before a magistrate in the State of Illinois and to be
23 ordered to attend and testify at the jury trial in the State of California as directed in the subpoena.

24 WHEREFORE, it is requested, for and on behalf on the State of California, that your
25 Honor certify to the above and foregoing by the issuance of a Certificate thereto under the seal of
26 the Superior Court of the State of California, in and for the County of El Dorado, for the purpose
27 of being presented to a Judge of a Court of record in the State of Illinois, in a proceeding to
28 compel the attendance of the said MARK STEENBURG, as a witness for the time and date

1 compel the attendance of the said MARK STEENBURG, as a witness for the time and date
2 above set forth, and pursuant to law.

3 ///

4 ///

5 ///

6 ///

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed this 27th day of September, 2005, at Placerville, County of El Dorado,
9 State of California.

10 

11 VICKI L. ASHWORTH
12 Deputy District Attorney
13 Placerville, California
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SEP 27 2005

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

IN THE MATTER OF THE PROCEEDINGS TO
COMPEL THE ATTENDANCE OF MARK
STEENBURG, AS A WITNESS IN A CRIMINAL
PROSECUTION IN THE STATE OF CALIFORNIA
VS. RICHARD W. HAMLIN

No: P04CRF0132

CERTIFICATE OF SUPERIOR COURT CLERK OF THE
COUNTY OF EL DORADO, DEPARTMENT TWO

I, J. Clark, Superior Court Clerk of the County of El Dorado, do
hereby certify that the Honorable EDDIE KELLER whose name is signed to the foregoing
certificate, was, at the time of signing same, Judge of the El Dorado County Superior Court,
Department Two of the State of California, in and for the County of El Dorado, said court being
a court of record, duly sworn, and that his signature is genuine and true as I verily believe.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the above
name El Dorado County Superior Court, Department 2, this 27 day of September, 2005.

J. Clark
Superior Court Clerk
El Dorado County, California

1 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
2 **IN AND FOR THE COUNTY OF EL DORADO**

3 THE PEOPLE OF THE STATE OF CALIFORNIA,

4 Plaintiff,

5 vs.

6 RICHARD W. HAMLIN

7 Defendant.

No: P04CRFO132
C E R T I F I C A T E

MARK STEENBURG
Witness

8 I, EDDIE KELLER, Judge of the El Dorado County Superior Court, Department Two, of
9 the State of California, in and for the County of El Dorado, a Court of record, do hereby certify to
10 the best of my knowledge and belief, based upon the sworn affidavit entitled Request for
11 Attendance of Out-of-State Witness of Vicki L. Ashworth, Deputy District Attorney, which is
12 attached hereto and specifically incorporated herein by reference as if fully set forth:

13 1. That there is now pending in the El Dorado County Superior Court, Department
14 Two, the above entitled criminal prosecution by the State of California against RICHARD W.
15 HAMLIN, Defendant, wherein said defendant stands accused and charged with having
16 committed a criminal offense against the laws of the State of California, to wit: Torture, Corporal
17 Injury to Spouse, Discharge of a Firearm, Criminal Threats and Child Abuse and Endangerment,
18 as more fully set forth in the criminal pleading attached to the Request for Attendance of Out of
19 State Witness which is attached hereto and incorporated herein by reference as if fully set forth.

20 2. That MARK STEENBURG, whose last known address is 616 Iris Court, Crystal
21 Lake, Illinois, is a necessary, material and principal witness for the State of California in such
22 prosecution for the reasons set forth in the Affidavit/Request of Attendance of Out-of-State
23 Witness of Vicki L. Ashworth, Deputy District Attorney, together with exhibits attached hereto
24 and incorporated herein.

25 3. That the criminal prosecution referred to is presently scheduled to commence in
26 the City of Placerville, County of El Dorado, State of California, before the El Dorado County
27 Superior Court, Department Two located at 495 Main Street, Placerville CA on October 11,
28 2005, and to continue thereafter until completion of said prosecution. That the presence of the

1 said witness personally in the criminal prosecution of this case for the purpose of giving
2 testimony therein upon the part of the State of California will be required for a period of one
3 court day(s), to wit: November 3, 2005, commencing at the hour of 10:00 a.m.

4 4. That if the said MARK STEENBURG as such witness, comes into the State of
5 California in obedience to a Summons directing him to attend and testify at the said proceeding,
6 the laws of the State of California and of any other state through which said witness may be
7 required to pass by the ordinary course of travel to attend said proceeding, give him protection
8 from arrest with matters which arose before this entrance into said state pursuant to said
9 Summons.

10 5. That this Certificate is made for the purpose of being presented to a Judge of a
11 Court of record of the County of McHenry, State of Illinois, where said MARK STEENBURG
12 now is, upon proceedings to compel said MARK STEENBURG to attend and testify in a
13 criminal proceeding pending in the County of El Dorado, State of California.

14 6. That pursuant to the Affidavit of Vicki L. Ashworth, Deputy District Attorney,
15 and pursuant to the provisions contained in the Uniform Act to Secure the Attendance of
16 Witnesses from Without a State in Criminal Proceedings, it is recommended that the witness,
17 MARK STEENBURG, be ordered to appear before a magistrate in the State of Illinois and be
18 ordered to attend and testify at the jury trial in the State of California as directed in the subpoena.

19 WITNESS, the Honorable EDDIE KELLER, Judge of the El Dorado County Superior
20 Court, Department Two of the State of California, in and for the County of El Dorado, this 27
21 day of September, 2005 .

22
23 **EDDIE T. KELLER**

24 EDDIE KELLER
25 Judge of the Superior Court
26
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.

RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

READINESS AND SETTLEMENT CONFERENCE

Date: 09/26/05 Time: 2:30 pm Dept/Div: 2

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Deputy District Attorney J. ALEXANDER also pres.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Defense R. Banning present.

The Defendant has a list of what he believes are
missing documents from Exhibit #68 (brown file).
Other discovery issues as put forth on the record.

The Defendant withdraws his request for funds
for a survey as he feels the jury questionnaire
will suffice.
Defense reserves the right to make venue
motions etc. during questioning of the jurors.

Hearing RE: Jury Questionnaires set for 09/27/2005 at 11:00 in
Department 2.

Defendant Hamlin waives his own appearance
tomorrow for the hearing on questionnaires.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

READINESS AND SETTLEMENT CONFERENCE

Date: 09/26/05 Time: 2:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Deputy District Attorney J. ALEXANDER also present
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Defense R. Banning present.

The Defendant has a list of what he believes are
missing documents from Exhibit #68 (brown file).
Other discovery issues as put forth on the record.

The Defendant withdraws his request for funds
for a survey as he feels the jury questionnaire
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such as venue motions during questioning of
the jurors.

Hearing RE: Jury Questionnaires set for 09/27/2005 at 11:00 in
Department 2.

Defendant Hamlin waives his own appearance
tomorrow for the hearing on questionnaires.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: CHANGE RSC DATE
Date: 09/15/05 Time: 1:38 pm Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

The Court speaks to the People (V. Ashworth)
and Defense Counsel Banning by conference
call.
Oral motion on behalf of Court regarding reset RSC for 09-16-05.
Due to calendar congestion.
Neither Counsel objects.
Motion is GRANTED.

RSC hearing set for 09/16/2005 at 13:30 is ordered vacated.

Readiness and Settlement Conference set for 09/26/2005 14:30 in
Dept. 2

COURT ORDERS:
Jail not to transport the Defendant to court
on 09-16-05 as the hearing is off calendar.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: SEE MINUTE ORDER #P04CRF0132
=====MINUTE ORDER END=====

Dispo

SUPERI COURT OF CALIFORNIA, COU OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: CHANGE R&S DATE
Date: 09/15/05 Time: 1:57 pm Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

The Court speaks to the People (V. Ashworth)
and Defense Counsel Banning by conference
call.
Oral motion on behalf of the Court regarding reset RSC set for
09-16-05.
Due to calendar congestion.
Niether Counsel objects.
Motion is GRANTED.

RSC hearing set for 09/16/2005 at 13:30 is ordered vacated.

Readiness and Settlement Conference set for 09/26/2005 14:30 in
Dept. 2

COURT ORDERS:

Jail not to transport the Defendant to court
on 09-16-05 as the hearing is off calendar.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / PUB DEF BANNING

JAIL TRANSPORTATION

RICHARD HAMLIN C/O THE JAIL

FAXED TO ALL PARTIES, *and copy sent*

=====MINUTE ORDER END=====

Dispo

9/08/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Mt. Democrat and certain things that were
covered (reported) and the change of venue
motion.

The Court informs Counsel that the voir dire
process will flush out persons with knowledge
about the case etc.

Readiness and Settlement Conference set for 09/16/2005 13:30 in
Dept. 2

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD
HAMLIN C/O THE JAIL

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

Motion RE: Various

Date: 08/19/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense R. Banning present.

As to Defense Motion re: exculpatory evidence
not presented to the Grand Jury;
Motion is DENIED.

As to whether the Grand Jury Indictment
supercedes the Complaint / Information;
Counsel argue the issue - the Supreme Court says
that the Indictment does supercede the
Information or Complaint as long as the basic
facts are the same etc.

Oral motion on behalf of Defense regarding request a transcript
of interview in Sac.
with Det. Strasser.
The People will check on it.
Motion is GRANTED.

As to "Dina Santos"; she has not given a
statement yet therefore there is no report.
The People inform the Court that Dina Santos
is a possible rebuttal witness.
COURT ORDERS:
The People's detective to "get right on it".

As to the statements from Judy Siemer and the
tape made at the Logan Center; Atty. Phil Cozens
had it.

Defense has a problem with the newspaper
Mt. Democrat and certain things that were

9/08/05

Page: 2

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

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motion.

The Court informs Counsel that the voir dire
process will flush out persons with knowlege about
the case etc.

Readiness and Settlement Conference set for 09/16/2005 13:30 in
Dept. 2

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN
C/O THE JAIL

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: Various

Date: 08/19/05 Time: 1:30 pm Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Counsel R. Banning present.

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not presented to the Grand Jury;
Motion is DENIED.

As to whether the Grand Jury Indictment
supercedes the Complaint / Information;
Counsel argue the issue - the Supreme Court says
that the Indictment does supercede the
Information or Complaint as long as the basic
facts are the same etc.

Oral motion on behalf of Defense regarding request transcript of
interview in Sac.
with Detective Strasser.
The People will check on it.
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statement yet therefore there is no report.
The People inform the Court that Dina Santos
is a possible rebuttal witness.
COURT ORDERS:

The People's detective to "get right on it" (the
interview).

As to the statements from Judy Siemer and the
tape made at the Logan Center; Atty. Phil Cozens
had it.

Defense has a problem with the newspaper

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====
Motion RE: Various

Date: 08/08/05 Time: 1:30 pm Dept/Div: 2

=====
Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Deputy District Attorney V. ASHWORTH present.
Defendant is Not Present.
Defendant proceeds in Propria Persona.
2nd Chair Defense R. Banning present.

The Defendant waives his own appearance today.

Oral motion on behalf of stipulation regarding continue
discussions on 08-19-05.

Motion is GRANTED.

Motion RE: Various set for 08/19/2005 at 13:30 in Department 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: Various
Date: 08/08/05 Time: 1:30 pm Dept/Div: 2
=====
Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Deputy District Attorney J. ALEXANDER present.
Defendant is Not Present.
Defendant is represented by Pro Per.
2nd Chair Defense Counsel R. Banning present.
Defendant's appearance waived.

Oral motion on behalf of stipulation regarding continue
discussions on 08-19-05.
Motion is GRANTED.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
=====MINUTE ORDER END=====

Dispo

SUPER COURT OF CALIFORNIA, COL OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: Various

Date: 08/05/05 Time: 1:30 pm Dept/Div: 2

=====
Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter R. JOY
Bailiff D. SMALL

Deputy District Attorney J. ALEXANDER present.
Defendant present
Defendant is represented by Pro Per.
2nd Chair Counsel R. Banning present.

Hearing continued pursuant to Stipulation by parties to
08/08/2005 at 13:30 in Department 2.

Motion RE: Various set for 08/19/2005 at 13:30 in Department 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

995 PC Motion

Date: 06/27/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
Defense Counsel Robert Banning present
as 2nd Chair Defense.

The Court has read motions and in particular
the 995 PC and 939.71 PC Motions.
Defense Counsel has subpoenaed Susan Hamlin
here today for testimony.
Argument as on the record.
The Court will hear from witness Susan Hamlin.
Defendant's exhibit(s) #1: 3 page copy of letter is/are marked
for identification purposes only.

Defense's Witness SUSAN HAMLIN sworn and testifies.
The People elect not to cross-examine.
Witness is thanked and excused.

Argument regarding motions and the Court rules
as put forth on the record.
Court recesses at 1504; reconvenes at 1516.
All present as before.
Further argument re: motions / exculpatory
evidence - Defense wants to postpone.
Defense Counsel withdraws the 995 PC Motion
and has no opposition to 1101 and 1109(b) EC.
Parties argue re: Susan Hamlin and charge
of 273(A)B PC that was charged against her.
R. Banning argues that it is a crime of moral
turpitude.
Defense wants to allow this evidence in.
Argument by the People V. Ashworth.
The Court rules that the charge and facts of
the 273.5(A)B PC are not moral turpitude.

8/04/05

Page: 2

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

Argument by Counsel.

Motion is DENIED.

The Court denies the motions without prejudice to renew.

As to other molest victims:

Motion is DENIED.

The Court also rules that the Defendant's statements to the doctor are admissible.

As to the moral turpitude of the Defendant; the Court rules it will not allow the Defendant's prior record re: sex offense but will allow domestic violence comments.

As to the motion to exclude the testimony of Mr. Bowen and Ward; the Court reserves on exculpatory evidence - can be argued again.

Motion RE: Various set for 08/05/2005 at 13:30 in Department 2.

Remaining issues: additional argument re: paternity test for Jennifer and challenge to Count 18.

COURT ORDERS:

As to the Warren and Bowman matter:

Defense Counsel has until 07-22-05 to file briefs and the People have until 08-03-05 to reply.

Counsel to also address whether the Grand Jury Indictment supercedes the Criminal Complaint / Information.

At 16:18 p.m. court is adjourned.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: ANY

Date: 06/27/05

Time: 1:30 pm

Dept/Div: 2

=====
Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding

Clerk: Dahlgren S.

Court Reporter DeLacy K.

Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.

Co-Counsel J. Alexander also present for People.

Defendant is present IN CUSTODY.

Defendant is represented by Pro Per.

2nd Chair Defense Counsel R. Banning present.

SEE MINUTE ORDER FOR CASE #P05CRF0161.

Motion RE: Various set for 08/05/2005 at 13:30 in Department 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

FILED

05 JUN 23 AM 8:26

ELDORADO COUNTY
SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA)
County of El Dorado)

PEOPLE vs. RICHARD W. HAMLIN,  DEPUTY

DOCKET #: P05CRF0161

DA # 05-04-002437-2

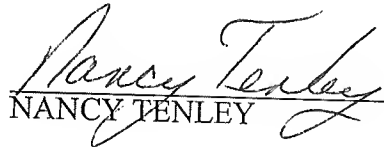
I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On June 20, 2005 I served the within PEOPLE'S OPPOSITION TO DEFENSE MOTION TO SET ASIDE THE INDICTMENT on the parties in said action, by hand delivering a true copy thereof to:

Richard Hamlin
c/o El Dorado County Jail
300 Forni Road
Placerville, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on June 20, 2005 at Placerville, California.


NANCY TENLEY

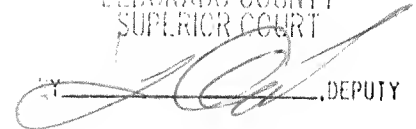
1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 6221-6440

6 Attorneys for Defendant

FILED

05 JUN 22 PM 12:04

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

SUPPLEMENTAL RESPONSE TO
MOTION TO EXCLUDE TESTIMONY
OF JENNIFER HAMILTON

12 Vs.

13 RICHARD HAMLIN,

Hearing Date: 6-27-05

Hearing Time: 1:30 p.m.

14 Defendant.

Department: 2

15 _____/

16
17 POINTS AND AUTHORITIES

18 The relevance of Jennifer Hamilton's proffered testimony
19 can be more clearly explained in terms of its connection to this
20 case as follows:

21 The plaintiff's theory of the case is that Mr. Hamlin has
22 made up a story about Ms. Hamlin sexually molesting their
23 children and being molested by her father as was detailed in Ms.
24 Hamlin's confession to El Dorado County Sheriff's detectives on
25 February 26, 2004. The plaintiff's theory is that Mr. Hamlin
26 forced Ms. Hamlin to write down false memories regarding being
27 molested by her father. All of this was supposedly designed to
28

1 lead to a multi-million dollar lawsuit against Ms. Hamlin's
2 father, Sidney Siemer.

3 In response, the defense will show that Dr. Siemer
4 controlled Ms. Hamlin in various ways, including sexual control.
5 This sexual control has been exercised throughout Ms. Hamlin's
6 life. It was exercised not just once, 30 years ago, but has
7 been exercised before and during the marriage of Mr. and Mrs.
8 Hamlin. It was also being exercised over the Hamlin children.
9

10 The incident with Ms. Hamilton approximately 30 years ago
11 is simply one example in an ongoing pattern. This example,
12 however, shows how strong the control is. Dr. Siemer molested
13 Ms. Hamilton in the presence of Ms. Hamlin when Ms. Hamlin was
14 still a teenager living at home. Dr. Siemer obviously had no
15 fear of being turned in by his daughter because the strength of
16 his control was so great. Ms. Hamlin simply turned away from
17 the incident and felt embarrassed for her friend. Although Ms.
18 Hamlin realized her friend was being molested she did nothing to
19 stop it, again showing the degree of control Dr. Siemer held
20 over Ms. Hamlin.
21

22 This incident is not a figment of Mr. Hamlin's imagination.
23 It is an incident that has been confirmed by both Ms. Hamilton
24 and Ms. Hamlin. It is one example strong circumstantial
25 evidence of the control Dr. Siemer had over Ms. Hamlin.
26


27 Taken in combination with other incidents of sex and
28 violence directed at Ms. Hamlin **and remembered by Ms. Hamlin,**

1 the defense will show that Mr. Hamlin is innocent of the charges
2 against him. The defense will show that Dr. Siemer eventually
3 masterminded a plan to either discourage Mr. Hamlin from
4 pursuing the uncovering of the molestation or to perhaps kill
5 him. The defense will show that Dr. Siemer's plan went so far
6 as to have Ms. Hamlin brutally beaten to discourage her from
7 further participation in stopping the continuing incestuous
8 relationship. The beating even led to Ms. Hamlin eventually
9 blaming Mr. Hamlin for her injuries when her confession on
10 February 26, 2004, was not acted on by the El Dorado County
11 Sheriff's detectives.
12

13 Therefore, the testimony to be elicited from Ms. Hamilton
14 is not indicative of an isolated incident. Rather, it helps
15 connect the dots for the jury and helps to explain the behaviors
16 of the primary complaining witness.
17

18 Dated: June 21, 2005.
19
20

21 Respectfully submitted,
22

23 
24 ROBERT BANNING
25 Attorney for Defendant
26
27
28

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On June 22, 2005, I served the within SUPPLEMENTAL RESPONSE TO MOTION TO EXCLUDE TESTIMONY OF JENNIFER HAMILTON on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on June 22, 2005 at Placerville, California.


ROBERT BANNING

1 **GARY L. LACY**
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for the Plaintiff
6
7

FILED
05 JUN 15 PM 3:54

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF
CALIFORNIA

11 Plaintiff,

12 v.

13 RICHARD HAMLIN,

14 Defendant.
15

No. P05CRF0161

PEOPLE'S OPPOSITION TO
DEFENSE MOTION TO SET
ASIDE THE INDICTMENT

Hearing: June 27, 2005

Time: 1:30 p.m.

Department: 2

16 To RICHARD HAMLIN and his co-counsel of record, ROBERT BANNING, please take notice
17 that the People oppose the Motion to Set Aside the Indictment and hereby submit the following
18 points and authorities in support thereof.

19 **ARGUMENT**

20 AN INDICTMENT MAY NOT BE SET ASIDE IF
21 THERE IS SOME EVIDENCE TO SUPPORT IT.

22 The grand jury - like a magistrate deciding whether to bind a criminal defendant over to
23 superior court - need only determine whether sufficient or probable cause exists to return an
24 indictment. In other words, the grand jury need be convinced of merely such a state of facts as
25 would lead a person of ordinary caution or prudence to believe and conscientiously entertain a
26 strong suspicion of the guilty of the accused. (*Cummiskey v. Superior Court* (1992) 3 Cal.4th
27
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CK
CMS

1 1018, 1026-1027.)

2 Similarly, a motion to dismiss under Penal Code Section 995, whether directed to an
3 indictment of an information, is governed by a single standard. Essentially the superior court sits
4 as a reviewing court. The court may not reweigh the evidence or substitute its judgment as to the
5 weight of the evidence or credibility of witnesses for that of the grand jury. Nor does the court
6 resolve factual contentions. (*People v. Pic'l* (1982) 31 Cal.3d 731, 737; *Jackson v. Superior*
7 *Court* (1965) 62 Cal. 2d 521, 530; *Lewis v. Superior Court* (1990) 217 Cal.App.3d 379, 384.)
8 “[I]f there is some evidence to support the indictment, the courts will not inquire into its
9 sufficiency.” (*Somers v. Superior Court* (1973) 32 Cal.App.3d 961, 963; *Jackson v. Superior*
10 *Court, supra*, at p. 525.)

11 Although there must be some showing as to the existence of each element of the charged
12 crime, such a showing may be made by means of circumstantial evidence supportive of
13 reasonable inferences. (*Williams v. Superior Court* (1969) 71 Cal.2d 1144, 1148.) Indeed, every
14 legitimate inference that may be drawn from the evidence must be drawn in favor of the
15 indictment. (*Jackson v. Superior Court, supra*, at p.530; *People v. Shirley* (1978) 78 Cal.App.3d
16 424, 431.) In short, an indictment should not be set aside under Penal Code section 995 if there
17 is some rational ground for assuming the possibility that an offense has been committed and the
18 accused is guilty of it. (*Cummiskey v. Superior Court, supra*; *People v. Pic'l, supra*; *Somers v.*
19 *Superior Court, supra*; *Bompensiero v. Superior Court* (1955) 44 Cal.2d 178, 183-184.)

20 NO EVIDENCE REASONABLY TENDING TO NEGATE
21 GUILT WAS WITHHELD FROM THE GRAND JURY

22 The California Supreme Court held in *Johnson v. Superior Court* (1976) 15 Cal.3d 248,
23 255: “. . . when a district attorney seeking an indictment is aware of evidence *reasonably tending*
24 *to negate guilt*, he is obligated under [Penal Code] section 939.7 to inform the grand jury of its
25 nature and existence produced.” (Emphasis added.) The Court based its holding upon statutory
26 interpretation rather than constitutional grounds. (*Ibid.*)

1 The United States Supreme Court held that the federal courts lacked authority to place
2 upon prosecutors the duty to inform the grand jury of substantial exculpatory evidence in their
3 possession. Such a burden would be incompatible with the historic functioning of the grand jury.
4 (*United States v. Williams* (1992) 504 U.S. 36.)

5 In *Cummiskey v. Superior Court, supra*, the California Supreme Court recognized the
6 importance of the decision in *United States v. Williams*, but concluded “we do not here have
7 occasion to apply it given our analysis of the issues which are governed by state statute.”
8 (*Cummiskey v. Superior Court, supra*, at p.1033, fn. 3.)

9 Assuming the continuing validity of the *Johnson* case, virtually no cases have explained
10 the scope of evidence prosecutors are required to produce to the grand jury. A very important
11 distinction between evidence tending to negate guilty and evidence merely tending to exculpate
12 was pointed out in *United States v. Mandel* (1976) 416 F.Supp. 1033. Discussing *Johnson*, the
13 court wrote: “Nor did the court hold that the prosecutor had a duty to present *all* exculpatory
14 evidence before the grand jury. Rather, it relied on the fact that the evidence the government had
15 failed to present tended to ‘negate guilt.’

16 The *Mandel* court further explained the impracticality of requiring prosecutors to present
17 all possibly exculpatory evidence. Such a requirement would place a reviewing court in the
18 difficult position of determining what evidence might possibly be exculpatory and the weight the
19 grand jury might have attached to it. The court concluded: “Only in a case in which the evidence
20 clearly would have negated guilt or undermined the authority of the grand jury to act at all should
21 a court act. Otherwise, a court runs the risk of interfering too much with the grand jury process
22 and does so largely on the basis of guessing what evidence a grand jury might have found
23 persuasive.” (*Id.* at p. 1042)

24 In their moving papers, the defense argues that the People had exculpatory evidence in
25 their possession, tending to negate the defendant’s guilt, which was not presented to the Grand
26 Jury. Specifically, the defense indicates that testimony regarding an allegation of prior sexual
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1 misconduct by the victim's father was not presented, nor was a document entitled "Wish
2 Survey" allegedly written by Alec.

3 With regards to the allegation of sexual misconduct by the victim's father, this
4 information is the subject of a motion in limine before this Court. It is the People's position, and
5 has always been, that this testimony is irrelevant and inadmissible. The alleged conduct involves
6 an act that supposedly occurred some 30+ years ago by a person who is not before this court.
7 This testimony is not evidence that the defendant in the present matter did not commit the
8 charged offenses, nor does it go to impeach the victim in this case as it is not something that she
9 committed. The defense argument that this information is somehow relevant because it would
10 show the victim learned "molestation" from someone else to then impeach the victim is
11 preposterous. For these reasons and more, the People submit it is not admissible in the current
12 case and was not required to be presented to the Grand Jury.

13 Regarding the "Wish Survey", the defense again argues that this document should have
14 been presented to the Grand Jury for their consideration in impeaching the victim. This item,
15 too, is the subject of a motion pending before this Court. As the defense is aware, a foundation
16 must be laid to present a document into evidence, and the People must adhere to the Evidence
17 Code requirements in presenting a case to the Grand Jury. Based on statements from Alec and
18 the victim, a sufficient foundation cannot be laid as to this document to make it admissible. Alec
19 says the handwriting is not his, he does not remember the document nor when it was made.
20 Likewise, the victim indicates the handwriting is not Alec's. Therefore, the document would be
21 inadmissible and was properly excluded from the Grand Jury proceedings.

22 As for the remaining defense contentions that the People had evidence that was not
23 presented to the Grand Jury, such as the "Book of Positive Mantras", evidence that the victim's
24 sister believed she was molested by her father, and any other items, the argument as laid out
25 above applies here as well. The writings in the "Book of Positive Mantras" is nothing more than
26 a couple of pages of positive statements, not "direct evidence" that the victim was molested as
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1 the defense would have us believe. As to testimony regarding the victim's sister, again, the
2 defense has failed to show how any such testimony would be relevant to these proceedings and
3 that it is any way exculpatory evidence that the defendant did not commit the charged offenses.
4 The defense would have us stretch our imaginations to their furthest reaches by claiming that
5 because a parent is alleged to have "molested" a person many years ago, that therefore, the child
6 of that parent must also be a "molester". What the defense has failed to appropriately set forth in
7 its motion, however, is how any of this evidence is *exculpatory* as to the defendant.

8 Additionally, the Grand Jury was presented with testimony from the victim regarding her
9 statement to law enforcement that she had molested her children as well as testimony that she, at
10 one time, believed she had been molested by her father and the people with whom she shared
11 such information. Testimony was also offered through Detective Tom Hoagland regarding the
12 victim's initial statement to law enforcement and the admissions that she made at that time.
13 Finally, in compliance with Penal Code Section 939.2, members of the Grand Jury were advised
14 numerous times that they were allowed to summon/ask for additional witnesses, testimony, and
15 evidence at the close of the People's case. After hearing all of the evidence, the Grand Jury
16 indicated it did not wish to hear any more evidence nor use their power to summon any further
17 witnesses. If the Grand Jury felt something would make a difference to them, they certainly had
18 the ability to request such information, but seemingly felt it unnecessary to exercise that power.

19 EL DORADO COUNTY IS THE PROPER VENUE
20 FOR ALL CRIMES CHARGED IN THE INDICTMENT

21 Defendant has filed a Motion to Set Aside Indictment asserting, *inter alia*, that the crimes
22 charged in Counts XIII, XIV and XV occurred in Placer County and should therefore be set aside
23 due to lack of venue (see, Motion to Set Aside, p. 3-5). The People agree that the crimes charged
24 in Counts XIII-XV occurred in Placer County. The People contend, however, that El Dorado
25 County has jurisdiction over these offenses pursuant to Penal Code 784.7(b), which provides:

26 When more than one violation of Section 273a, 273.5, or 646.9 occurs in
27 more than one jurisdictional territory, and the defendant and the victim are

1 the same for all of the offenses, the jurisdiction of any of those offenses
2 *and for any offenses properly joinable with that offense*, is in any
3 jurisdiction where at least one of the offenses occurred.
(Emphasis added).

4 In California, venue is governed by statute.¹ *People v. Simon* 25 Cal.4th 1082, 1099 fn.
5 10; see also, Penal Code Sections 777 through 795. Penal Code 777 sets forth the general
6 principle that criminal matters should be heard within the jurisdictional territory where the
7 offense itself was committed. “The power of the legislature to fix the place of trial of a criminal
8 offense in a county other than the county of commission is reflected in several statutes...” *Price*
9 *v. Sup. Court* 25 Cal.4th 1046, 1074.

10 Penal Code Sections 777a through 795 set forth exceptions to the general principle
11 articulated in Penal Code 777 and grant venue on multiple jurisdictions for certain offenses and
12 under certain factual circumstances. Prize fighting, for example, may be prosecuted where any
13 act done towards the commission of the offense occurred; any place where the offender passed
14 either into or out of on the way to commit the offense, or; where the offender is arrested. See,
15 Penal Code 795. Treason, where the overt act occurred *outside* the State of California, may be
16 prosecuted in *any* county of the State of California. See, Penal Code 788. Repeated acts of child
17 molestation, child abuse and domestic violence, when committed in several counties by the same
18 person against the same victims, may be prosecuted in any of the counties where any act
19 occurred. See, Penal Code 787.4(a)&(b).

20 Venue is a question of law, properly determined by the court prior to trial. *People v.*
21 *Posey* 8 Cal.Rptr.3d 551. When making this determination, trial courts should be mindful of the
22 fundamental purposes underlying criminal venue provisions, “...which, most broadly stated, aim
23 at ensuring that a defendant’s trial on a criminal charge is conducted in an appropriate place,
24 taking into account convenience both to the People and to the defendant, fairness to the

25
26 Statutes and case law use the term ‘jurisdiction’ and ‘venue’ interchangeably. ‘Venue,’
27 however, specifically refers to where a case may be properly prosecuted. ‘Jurisdiction’ is used to
28 denote both territory and venue.

1 defendant, and participation on the part of the community affected.” *Simon* at 1086-87. See,
2 also, *People v. Chapman* 139 Cal.Rptr. 808; *People v. Williams* 111 Cal.Rptr. 378; *People v.*
3 *Hernandez* 133 Cal.Rptr. 745; Penal Code 781; (holding Penal Code 781 should be ‘liberally
4 construed’ to support a finding of venue). “When the legislature creates an exception to the rule
5 of section 777, the venue statute is remedial and for that reason is construed liberally to achieve
6 the legislative purpose of expanding criminal jurisdiction.” *Price v. Sup. Court* 25 Cal.4th 1046,
7 1055, quoting with approval *People v. Bismillah* 208 Cal.App.3d 80, 85.

8 The Legislature enacted Penal Code 784.7 “...to protect repeat victims of child
9 abuse...and victims of domestic violence, offenses that are often inflicted on the same victim by
10 the same perpetrator, from the need to make multiple court appearances to testify against the
11 perpetrator and to reduce the cost of multiple trials.” *Price* at 1055. “The venue authorized by
12 section 784.7 is not arbitrary. It is reasonable for the Legislature to conclude that this pattern of
13 conduct is akin to a continuing offense and to conclude that the victim and other witnesses
14 should not be burdened with having to testify in multiple trials in different counties.” *Price* at
15 1075.

16 In the present case, defendant is charged with committing numerous acts of domestic
17 violence in both El Dorado County and Placer County. These offenses were committed against
18 the same victim, to wit, defendant’s wife, Susan Hamlin. Count XIII alleges a violation of Penal
19 Code 273.5(a), one of the crimes specifically enumerated in Penal Code 784.7(b). Count XIV
20 alleges a violation of Penal Code 245(a)(1) (assault with a deadly weapon) and Count XV alleges
21 a violation of Penal Code 422 (criminal threats). Although Penal Code Sections 245(a)(1) and
22 422 are not specifically listed in Penal Code 784.7(b), they are offenses ‘properly joinable’
23 pursuant to the statute.

24 Penal Code 954 states, in part: “An accusatory pleading may charge two or more different
25 offenses connected together in their commission...or two or more different offenses of the same
26 class of crimes or offenses....” The offenses charged in Counts XIV & XV are the same class of
27
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1 crimes, connected together in their commission with Counts I, V-XII, XVII and XVIII. Each
2 offense constitutes an act of domestic violence as defined by Penal Code 13700. “‘Domestic
3 violence’ means abuse committed against an adult...who is a spouse...cohabitant...or person with
4 whom the suspect has had a child....” Penal Code 13700(b). “‘Abuse’ means intentionally or
5 recklessly causing or attempting to cause bodily injury, or placing another person in reasonable
6 apprehension of imminent bodily injury to himself or herself, or another.” Penal Code 13700(a).

7 The People introduced evidence during the Grand Jury Proceedings establishing that
8 Susan Hamlin was, during the relevant time period, the defendant’s spouse. In addition, Ms.
9 Hamlin is the mother of defendant’s children and she cohabitated with defendant before, during
10 and after the offenses alleged in each Count of the Indictment. Penal Code Sections 245(a)(1)
11 (Count XIV) and 422 (Count XV) are offenses falling within the meaning of Penal Code 13700.
12 Penal Code 245(a)(1) involves intentionally or recklessly causing or attempting to cause bodily
13 injury; Penal Code 422 involves placing a person in reasonable apprehension of bodily injury.

14 Pursuant to Penal Code 784.7(b) and applicable case law, El Dorado County is the proper
15 venue for the crimes charged in Counts XIII-XV. In addition, given the Legislative intent behind
16 Penal Code 784.7(b), El Dorado County is the preferred jurisdiction for the offenses alleged in
17 Counts XIII-XV because it is the County in which defendant and victim resided at the time of
18 those offenses and EL Dorado County is the venue for all of the defendant’s other acts of
19 domestic violence and child abuse. Defendant’s Motion to Set Aside Indictment as to Counts
20 XIII-XV for lack of venue should therefore be denied.

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CONCLUSION

Based on the foregoing argument and any such oral arguments as may be presented at the hearing, the defense motion to set aside the indictment should be denied and the People respectfully request that this Court deny such motion.

Dated: 6/15/05

Respectfully Submitted,

GARY L. LACY
District Attorney



Vicki Ashworth
Deputy District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA)
County of El Dorado)


DOCKET #: P05CRF0161

DA # 05-04-002437-2

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667

On June 15, 2005 I served the within PEOPLE'S OPPOSITION TO DEFENSE MOTION TO SET ASIDE THE INDICTMENT on the parties in said action, by faxing a true copy thereof to Public Defender at fax number 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.
Executed on June 15, 2005 at Placerville, California.


NANCY TENLEY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: EXTEND PROTECTIVE ORDER
Date: 06/08/05 Time: 1:50 pm Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is Not Present.
Defense Co-Counsel R. Banning present.

Counsel Banning informs the Court that the
Defendant was told of today's hearing and the
reason.
Defendant Hamilton waived his presence today
and will stipulate to an extension of the
Protective Order - per Counsel Banning.

Oral motion on behalf of the People regarding extend protective
order to end of year
No Defense objection.
Motion is GRANTED.

The People provide a new Protective Order
which is signed and filed and it expires 01-01-06.
Filed Protective Order faxed to law enforcement
agencies: Sheriff - Placerville Police - CHP.
The People will provide a copy of the Order
to Sheriff's Transportation to have the Defendant
sign.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: SHERIFF'S RECORDS (ATTN: ANGIE)
CC: DIST ATTY / PUB DEF
RICHARD HAMLIN C/O EL DOR. CO. JAIL
=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo



EL DORADO COUNTY SHERIFF'S
DEPARTMENT
300 FAIR LN
PLACERVILLE CA 95667
(530) 621-5958
ORI/ CA0090000 MNE/ PLW

RECORDS SECTION
VOICE/ (530) 621-5703 FAX/ (530) 626-8163

-FACSIMILE COVER SHEET-

DATE: 6/8/05

TIME: _____

TO: Supervisor

AGENCY: Criminal Court

TELEPHONE: _____

FAX: _____

FROM: Angie

PHONE: 621-5702

COMMENTS/NOTE:

Was Defendant Present?
Please mark box if so
Thank you

(11)

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: _____

THIS DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY COPYING, DISSEMINATION OR DISTRIBUTION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS.

RMS4 120897

Jun-08-05 11:52A

Exp - 06-08-05

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION IF ANY. EL DORADO COUNTY SUPERIOR COURT DEPARTMENT 7 2850 FAIRLANE COURT PLACERVILLE, CALIFORNIA		EL DORADO CO. SUPERIOR CT. FILED June 08, 2005 By <u>S. D. H. L.</u> Clerk	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: RICHARD W HAMLIN		CASE NUMBER P04CRF0132	
PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS) (Penal Code, §136.2) <input type="checkbox"/> ORDER PENDING TRIAL <input type="checkbox"/> ORDER POST TRIAL PROBATION CONDITION		<input type="checkbox"/> MODIFICATION <input type="checkbox"/> DOMESTIC CASE (Pen. Code Sec. 13700)	
THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER			
PERSON TO BE RESTRAINED (Name): <u>RICHARD W HAMLIN</u> Sex: M Ht: 6'0" Wt: 250 Hair Color: Brown Eye Color: Brown Race: W Age: 43 Date of Birth: 04/15/1960 <input type="checkbox"/> The defendant is a peace officer with _____ Department.			

1. This proceeding was heard on (date): 6/8/05 at (time): 1:45pm in Dept: 2 Room: _____
by judicial officer (name): EDDIE T. KELLEY
2. ☐ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant
- must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
 - must surrender to local law enforcement or sell to licensed gun dealer any firearms in or subject to his or her immediate possession or control within:
(1) ☒ 72 hours after issuance of this order (if restrained person is present at hearing)
(2) ☐ 48 hours after service of this order (if restrained person is not present at hearing)
(3) ☐ other (specify): _____
- The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.
- must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
 - must have no personal, telephonic, or written contact with the protected persons named below.
 - must have no contact with the protected persons named below through a third party, except an attorney of record.
 - must not come within 100 yards of the protected persons named above for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.
 - may have peaceful contact with the protected persons named above for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.
4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.
5. NAMES OF PROTECTED PERSONS:
SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN
6. Other orders including stay-away orders from specific locations:
7. This order expires on (specify date): 7/1/06
If no date is listed, this order expires three years from the date of issuance.

Date: 6-9-05

Eddie Kelley
JUDICIAL OFFICER Department/Division:

Form Adopted for Mandatory Use
Judicial Council of California
CR-100 (Rev. January 1, 2003)

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2 and 1203.097(a)(2))

Revised Code §§ 120.2, 166, 1209 (b)(2)
Form Approved for
Department of Justice

(Distribution: original to file; 1 copy to each protected person; 1 copy to defendant; 1 copy to prosecutor; 1 copy to law enforcement)

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION, IF ANY:
EL DORADO COUNTY SUPERIOR COURT
DEPARTMENT 7
2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA

FOR COURT USE ONLY
EL DORADO CO. SUPERIOR CT.

FILED June 08, 2005

BY S. D. Kelly
Deputy

PEOPLE OF THE STATE OF CALIFORNIA
vs.

DEFENDANT: RICHARD W HAMLIN

CASE NUMBER:
P04CRF0132

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, §136.2)

☐ ORDER PENDING TRIAL

☐ ORDER POST TRIAL PROBATION CONDITION

☐ MODIFICATION

☐ DOMESTIC CASE
(Pen. Code Sec. 13700)

THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER

PERSON TO BE RESTRAINED (Name): RICHARD W HAMLIN
Sex: M Ht.: 6'0" Wt.: 230 Hair Color: Brown

Eye Color: Brown
Department:

Race: W

Age: 45

Date of Birth: 04/15/1960

☐ The defendant is a peace officer with _____

1. This proceeding was heard
on (date): 6/8/05

at (time): 1:45pm in Dept.: 2

Room:

by judicial officer (name): EDDIE T. KELLEY
2. ☐ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant

a. must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.

b. must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within

(1) ☒ 24 hours after issuance of this order (if restrained person is present at hearing)

(2) ☐ 48 hours after service of this order (if restrained person is not present at hearing)

(3) ☐ other (specify):

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

c. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.

d. ☒ must have no personal, telephonic, or written contact with the protected persons named below.

e. ☒ must have no contact with the protected persons named below through a third party, except an attorney of record.

f. ☒ must not come within 100 yards of the protected persons named below.

g. ☐ may have peaceful contact with the protected persons named above for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.

h. ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.

4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.

5. NAMES OF PROTECTED PERSONS:

SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN

6. Other orders including stay-away orders from specific locations:

7. This order expires on (specify date): 1/1/06
If no date is listed, this order expires three years from the date of issuance.

Date: 6-8-05

Eddie Keller
JUDICIAL OFFICER Department/Division:

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2 and 1203.097(a)(2))

WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION. Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. NOTICE REGARDING FIREARMS. Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance or a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
4. ENFORCING THIS RESTRAINING ORDER IN CALIFORNIA
 - This order shall be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement shall determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement shall advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Family Code, § 6383.)
5. ENFORCING RESTRAINING ORDERS ACROSS STATE LINES. Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid when the order appears authentic on its face. (Family Code, § 6380.5(a).)
6. CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA). The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
7. EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 7 on the reverse.
 - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.
8. CHILD CUSTODY AND VISITATION
 - Child custody and visitation orders may be established or modified in Family, Juvenile or Probate court.
 - Any contract between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 Telephone: (530) 621-6440

6 Attorneys for Defendant

FILED

05 JUN -3 AM 8:06

EL DORADO COUNTY
SUPERIOR COURT

BY [Signature], DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 PEOPLE OF THE STATE OF CALIFORNIA,
11 Plaintiff,

12 vs.

13 RICHARD HAMLIN,

14 Defendant(s).

NO. P05CRF0161

NOTICE OF MOTION AND
MOTION TO SET ASIDE
INDICTMENT

Hearing Date: 6-27-05
Hearing Time: 1:30 p.m.
Department: 2

15 _____/
16
17 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY:

18 NOTICE IS GIVEN that on the date and time above-noted,
19 or as soon thereafter as the matter may be heard, in the above-
20 noted department of the above-entitled court, defendant RICHARD
21 HAMLIN will move pursuant to Penal Code Sections 939.71 and 995
22 to set aside the Indictment.

23 The motion will be made on the grounds that:


- 24 1. Defendant was committed without reasonable or
25 probable cause; and
26 2. The prosecution was aware of exculpatory evidence
27 but did not inform the grand jury of its nature
28 and existence.

CMS

EK

1 This motion is based on this notice of motion, the
2 attached memorandum of points and authorities, the transcript of
3 the Grand Jury proceedings, all pleadings, records and files
4 herein, and on such oral and documentary evidence as may be
5 presented at the time of the hearing.

6 Dated: June 3, 2005.

7
8 
9 ROBERT BANNING
Attorney for Defendant

10
11
12 MEMORANDUM OF POINTS AND AUTHORITIES

13
14
15 I

16 BACKGROUND INFORMATION

17 Defendant was charged in Indictment Number P05CRF0161
18 with: one count of violating Penal Code Section 206; three counts
19 of violating Penal Code Section 273a(a); two counts of violating
20 Penal Code Section 245(a)(1) [assault by means of force likely to
21 produce great bodily injury]; one count of violating Penal Code
22 Section 422; two counts of violating Penal Code Section 273.5(a);
23 one count of violating Penal Code Section 236; two counts of
24 violating Penal Code Section 273.5(a), enhanced by an allegation
25 that Defendant violated Penal Code Section 12022.7; one count of
26 violating Penal Code Section 245(a)(1) [assault with a deadly
27 weapon or by means of force likely to produce great bodily
28 injury]; one count of violating Penal Code Section 422, enhanced

1 by an allegation that Defendant violated Penal Code Section
2 12022(a)(1); one count of violating Penal Code Section 236,
3 enhanced by an allegation that Defendant violated Penal Code
4 Section 12022(a)(1); one count of violating Penal Code Section
5 245(a)(1) [assault with a deadly weapon or by means of force
6 likely to produce great bodily injury], enhanced by an allegation
7 that Defendant violated Penal Code Section 12022.5(a); one count
8 of violating Penal Code Section 422, enhanced by an allegation
9 that Defendant violated Penal Code Section 12022.5(a); and one
10 count of violating Penal Code Section 246.3.

11 A grand jury was convened and met on April 13, 14, and 15,
12 2005.

13
14 II

15 PROBABLE CAUSE DID NOT EXIST TO HOLD

16 DEFENDANT TO ANSWER FOR THE CHARGES

17 ALLEGED IN COUNTS XIII, XIV, AND XV

18 No testimony was produced at the grand jury proceeding
19 that would give rise to probable cause that these offenses, if
20 committed, were committed in El Dorado County.

21 Penal Code Section 691(b) defines the jurisdictional
22 territory of a superior court as the county in which the court
23 sits. Generally, the court has no jurisdiction over criminal
24 cases that occur outside the court's county.

25 Penal Code Section 781 is an exception to the general
26 rule. It states: "When a public offense is committed in part
27 in one jurisdictional territory and in part in another, or the
28

1 acts or effects constituting or requisite to the consummation
2 of the offense occur in two or more jurisdictional territories,
3 the jurisdiction of such offense is in any competent court
4 within either jurisdictional territory."

5 Penal Code Section 781 also grants additional jurisdiction
6 over criminal cases that occur outside the county but where
7 preliminary arrangements for the criminal act occur in the
8 county.

9 Penal Code Section 782 states: "When a public offense is
10 committed on the boundary of two or more jurisdictional
11 territories, or within 500 yards thereof, the jurisdiction of
12 such offense is in any competent court within either
13 jurisdictional territory."

14 Testimony from Susan Hamlin indicated that Mr. Hamlin
15 allegedly committed the crimes enumerated in Counts XIII
16 through XV in Placer County. Her testimony even alleged that
17 the reason for traveling to Placer County was to kill Lisa
18 Clum. Susan Hamlin did not testify that any preliminary
19 arrangements for the crimes alleged in Counts XIII through XV
20 occurred in El Dorado County.

21 It is the defense's position that no theory can be
22 squeezed from the grand jury testimony that can create probable
23 cause for bringing Counts XIII through XV. The alleged actions
24 that form the basis for the accusations took place in Placer
25 County, not El Dorado County; there is no testimony to
26 establish that the alleged actions took place within 500 yards
27 of El Dorado County; and there is no testimony to establish
28

1 that any preliminary arrangements for the crimes alleged in
2 Counts XIII through XV took place in El Dorado County.

3 Therefore, there is no basis to charge Counts XIII through
4 XV in El Dorado County.

7 III

8 THE PROSECUTION DID NOT PRESENT EXCULPATORY
9 EVIDENCE OF WHICH IT WAS AWARE TO THE GRAND
10 JURY IN VIOLATION OF PENAL CODE SECTION 939.71

11 The prosecution is in possession of various forms of
12 evidence which are exculpatory as to various counts.

13 The prosecution is in possession of a letter written by
14 Susan Hamlin to Lisa Clum. This letter was to be delivered to
15 Lisa Clum on the date that Susan Hamlin now claims that Lisa Clum
16 was to be killed. That date is now contended to be February 11,
17 2004, according to Counts XIII through XV of the indictment. The
18 letter is used to tell Lisa Clum that Susan Hamlin is withdrawing
19 from the plot to kill Richard Hamlin, the defendant in this case.
20 The letter further shows that there was, in fact, no plot to kill
21 Lisa Clum on February 11, 2004, and the letter acts to destroy
22 the credibility of Susan Hamlin.

23 The letter written by Susan Hamlin to Lisa Clum is attached
24 as Exhibit "A". It should be noted that the printed numbers on
25 the right margin of each page are the discovery page numbers used
26 by the prosecution.

27 Next, the prosecution is in possession of a "Wish Survey"
28

1 from Alec Hamlin, the son of Richard and Susan Hamlin. Certain
2 partial phrases were to be completed as part of a school
3 assignment. The phrase "I wish that my mother would" was
4 completed with the words "stop licking me." The "Wish Survey" is
5 attached as Exhibit "B". Additionally, the prosecution is aware
6 of a statement made by Susan Hamlin to the El Dorado County
7 Sheriff's Department on February 26, 2004, that was not made
8 known to the grand jury. During that statement Susan Hamlin
9 admitted that she licked Alec Hamlin's penis and that she
10 molested the other Hamlin children.

11 This exculpatory evidence also goes to discredit Susan
12 Hamlin's testimony to the grand jury in which she denied
13 molesting the Hamlin children. This point is particularly
14 important to Count I, torture. It is contended by the
15 prosecution that Mr. Hamlin's specific intent, the "sadistic
16 purpose" necessary to sustain a charge of torture, was based on
17 Mr. Hamlin attempting to have Susan Hamlin falsely confess to the
18 molestation of their children. This type of exculpatory evidence
19 that was withheld by the prosecution shows that the molestation
20 was not the result of Mr. Hamlin's imagination but that it
21 actually occurred.

22 Next, the prosecution is in possession of evidence that
23 Susan Hamlin learned molestation from her father, Sidney Siemer.
24 There is evidence that Mr. Siemer molested a friend of Susan
25 Hamlin named Jennifer Love. Susan Hamlin has stated, and Ms.
26 Love has verified, that Sidney Siemer fondled Ms. Love's breasts
27 while she was sleeping next to Susan Hamlin when they were
28

1 teenagers. Susan awakened to see her father over Jennifer. The
2 molest was discussed by Susan and Jennifer the following day.
3 Again, the incident goes to destroy the credibility of Susan
4 Hamlin insofar as it shows that Mr. Hamlin did not make up
5 incidents of molest that occurred to Susan Hamlin and their
6 children, and that the molesting conduct exhibited by Susan
7 Hamlin and the accusations Susan Hamlin made against her father
8 are true. It also vitiates the required specific intent for
9 torture because it argues against the position taken by the
10 prosecution in its closing statement to the grand jury.

11 Next, the prosecution is in possession of evidence that
12 Susan Hamlin's sister, Terri Aal, has been in counseling because
13 of a belief that she, Terri, was molested by her father, Sidney
14 Siemer. This would confirm the allegation made by Susan Hamlin
15 that incest was practiced in her family and was practiced by
16 Sidney Siemer and then, in turn, by Susan Hamlin. This again
17 destroys the credibility of Susan Hamlin's denials of molesting
18 her own children, her denial that she was molested, and her
19 denial that her father molested her children. Susan Hamlin's
20 credibility is a pillar of the prosecution's case against Richard
21 Hamlin.

22 Next, the prosecution is in possession of a writing by
23 "Susan Siemer" entitled Book Of Positive Mantras For The Incest
24 Survivor. This "book" is attached as Exhibit "C". The printed
25 numbers at the bottom of each page is the page number used by the
26 prosecution in its discovery process. It is very direct evidence
27 that Susan Hamlin is an incest survivor. Its relevance is,
28

1 again, that it shows Susan Hamlin was not credible in her
2 testimony to the grand jury in areas of utmost importance.

3 Next, the prosecution is in possession of a transcript of
4 a statement given by Susan Hamlin on March 1, 2004. During
5 that interview she told El Dorado County Sheriff's detectives
6 Tom Hoagland and Mike Lensing that she was struck by a sword
7 wielded by Mr. Hamlin approximately six weeks prior. This
8 information is contained on pages 60 and 61 of the transcript
9 of Susan Hamlin's statement. She stated that her right ring
10 finger was badly cut although no stitches were taken. In her
11 grand jury testimony Susan Hamlin testified that the sword
12 incident had happened the day before the search for Lisa Clum.

13 That date was determined to be less than three weeks before
14 March 1, 2004. The only grand jury testimony to confirm an
15 injury to Susan Hamlin's right hand came from Erin McLarney, a
16 registered nurse. Ms. McLarney took photos of Susan Hamlin on
17 March 1, 2004 (Reporter's Transcript of Grand Jury Proceedings,
18 page 273, lines 26-28). Ms. McLarney testified that there was
19 a laceration on the fourth digit of Susan Hamlin's right hand
20 and stated it was in the healing stage. No testimony was
21 received regarding the approximate age of the laceration, the
22 exact location, the approximate depth of the laceration, or the
23 possible cause of the laceration. Particularly in light of the
24 varying statements given by Susan Hamlin, there was no
25 testimony given to the grand jury that would tend to confirm in
26 any way the age or cause of the hand laceration. Again, these
27 points are critical because of the impact they have on Susan
28

1 Hamlin's credibility.

2
3 IV

4 CONCLUSION

5 Count I of the Indictment should be dismissed for the
6 specific reasons set out above.


7 Counts XIII through XV should be dismissed for the specific
8 reasons set out above.

9 Counts V through XII and Counts XVII and XVIII should be
10 dismissed because the prosecution had in its possession evidence
11 that Susan Hamlin was not credible but did not inform the grand
12 jury of its nature and existence.

13 Probable cause to hold Mr. Hamlin to answer to all those
14 counts was not demonstrated.

15 Dated: June 3, 2005.

16 Respectfully submitted,

17
18 
19 ROBERT BANNING
20 Attorney for Defendant
21
22
23
24
25
26
27
28

Juan

002781

EXHIBIT
Cyp. 113
PENGAO 800-631-6989

Dear-

We open now know I couldn't
go forward with our plan to
take what down to prison
to have her killed. The truth
is that I want to be with
him exclusively. I want to
be totally committed to
him and to Christ. My
involvement in the past
with incest and
prostitution was under
my dad's control
originally - but was
engaged then was a "choice"
because I got older.
I have always
struggled with where
my allegiance was.

I don't know what
your feelings have been
over the years related
to the African beliefs
and the prostitution

you have been over
him.

My marriage was
entered into by me
knowing that Black was
a Christian who stands
up for what he believes
in. I planned to see
him to get back at did.
Black never knew any
of this - and loved me
in spite of all that I have
done to him over the years.

Finally at 47, I chose
to reject Satan, reject him,
and reject all of his lies
and almost the rest of my
life to Christ, kick my
children and set me on path
to right the wrongs I've done.

002783

Handwritten signature

WISH SURVEY FOR AlecI wish that my teacher was nicerI wish that my mother would stop licking meI wish that I could slide down volcanoI wish that my father was a sico kitty-cat like me.I wish that my best friend would stop being meanI wish that my brother(s) would stop being meanI wish that my sister(s) would be nicer and stop scratchesI wish I were a sico-kitty-catI wish that my family ~~but~~ are sico kitty-cat tooI wish more than anything in the world that I would not
have to go to school.I wish that reading was funI wish that I had 15,000 brothersI wish that I never had to go to schoolI wish that I were not ~~to~~ have a girl for a buddyI wish that my principal was meanerSometimes I wish that I could: yes no no
become a bird ✓be as tall as a tree ✓fly an airplane ✓own a pony novisit the moon ✓be a famous singer ✓float on a cloud ✓ride an elephant ✓live on an island ✓find a pot of gold ✓be a scientist ✓live in a tree house ✓

BOOK OF POSITIVE
MANTRAS FOR THE
INCEST SURVIVOR
BY SUSAN SIEMER

002774

1. WHY GO TO THE TROUBLE
OF PUTTING ON MAKEUP
AND DOING YOUR HAIR
IF YOU AREN'T ALSO
PUTTING ON A SMILE

2. CLAIM PERSONAL
VICTORIES.

3. ERASE YOUR SLATE
AND CREATE YOUR
SELF IMAGE FROM
SCRATCH. YOU CANT
^{CREATE} A SELF IMAGE OF BEAUTY
IF YOUR STARTING POINT
IS UGLINESS IN NEED OF
CHANGE. (eg. maggot+hidden
GUNDY BAR)

002775

DON'T BORROW TROUBLE

YOU MUST.... AND IF
YOU MUST, YOU CAN.

002776

RE: Richard Hamlin
P05CRF0161

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On June 3, 2005, I served the within NOTICE OF MOTION AND MOTION TO SET ASIDE INDICTMENT on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on JUNE 3, 2005 at Placerville, California.


ROBERT BANNING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

HEARING RE: JURISDICTION COUNTS 13/14/15

Date: 05/13/05 Time: 8:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Dep. Dist. Atty. J. Alexander also present.
Defendant present
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Asst. Public Defender
Robert Banning also present.

Defense will file a 995 PC Motion.

COURT ORDERS:

Defense has until 06-03-05 to file the 995 PC
Motion and the People have until 06-15-05 to reply

Motion pursuant to 995 PC set for 06/27/2005 at 13:30 in
Department 2.
And any other motions filed.

The Defendant will agree to a jury trial date
of 10-18-05 if he has assurance it will go.
Time is Waived.
Time is waived until 10-18-05.

Hearing RE: JURY PANELS & QUESTIONNAIRES set for 10/11/2005 at
9:30 in Department 2.
Jury Trial set for 10/18/2005 at 9:30 in Department 2.
Estimated length of trial is 15 days.

Discussion re: media contact as on the record.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN
C/O EL DORADO COUNTY JAIL

=====MINUTE ORDER END=====

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

TRIAL SETTING CONFERENCE

Date: 05/13/05 Time: 8:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Dep. Dist. Atty. J. Alexander also present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Asst. Public Defender
Robert Banning also present.

Time is Waived.
Time is waived until 10-18-05.
Motion RE: ANY set for 06/27/2005 at 13:30 in Department 2.
Hearing RE: JURY PANELS & QUESTIONNAIRES set for 10/11/2005 at
9:30 in Department 2.
Jury Trial set for 10/18/2005 at 9:30 in Department 2.
Estimated length of trial is 15 days.

Discussion re: media contact as on the record.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN
C/O EL DORADO COUNTY JAIL

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

HEARING RE: JURISDICTION COUNTS 13/14/15
Date: 04/29/05 Time: 1:30 pm Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
DDA J. Alexander also present.
Defendant is present IN CUSTODY.
Defendant is represented by PRO PER.
Public Def. Robert Banning present also.

SEE MINUTE ORDER FOR CASE #P04CRF0132
ATTACHED.
Hearing continued on the motion of the Defense. 05/13/2005 at
8:15 in Department 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: Juris. Cnts. 13-14 & 15

Date: 04/29/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A

--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Deputy District Attorney J. Alexander also pres.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
Defense 2nd Chair Robert Banning also pres.

Counsel want the matter advanced today and
the Defendant is brought over from the jail early.
At 10:00 a.m. court convenes on the record with all
present including the Defendant.

Oral motion on behalf of Defense Banning regarding vacate jury
trial.

Due to just recently receiving the transcript from
the Grand Jury and other reasons as stated on
the record.

The People do not object but DDA Ashworth
informs all of her upcoming availability.
Motion is GRANTED.

COURT ORDERS:

HX hearing set for 05/17/2005 at 9:30 is ordered vacated.
JT hearing set for 05/24/2005 at 9:30 is ordered vacated.

Trial Setting Conference set for 05/13/2005 at 8:15 in
Department 2.

The Court cautions the Defendant regarding
media visiting him at the jail etc.
The People inform the Court and Defense of the
status of the victim's bad check.
It is apparently still in the "bad check program"
and the Defendant wants to know if she
admitted to it.
The People will check further.

4/29/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Oral motion on behalf of Defense Banning regarding have Grand
Jury transcript sealed.
The People join in the motion.
Motion is GRANTED.

COURT ORDERS:
Grand Jury transcript is ordered sealed and
must not be opened except by Court order.

Issue of consolidation of this case with
#P05CRF0161 will be addressed again on
05-13-05.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN
C/O EL DORADO COUNTY JAIL
=====MINUTE ORDER END=====

Dispo

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 Telephone: (530) 621-6440

6 Attorneys for Defendant

FILED
05 APR 27 AM 11:24

EL DORADO COUNTY
SUPERIOR COURT

 DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO: P05CRF0161

11 Plaintiff,

NOTICE OF MOTION AND
MOTION FOR CONTINUANCE;
DECLARATION IN SUPPORT
THEREOF; POINTS AND
AUTHORITIES

12 vs.

13 RICHARD HAMLIN,

14 Defendant(s).

Hearing Date: 4-29-05
Hearing Time: 1:30 p.m.
Department: 2

15 _____/
16
17 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY:

18 NOTICE IS GIVEN that on the date and time above-noted, or as
19 soon thereafter as the matter may be heard, in the department
20 above-noted, defendant RICHARD HAMLIN will move for an order
21 continuing the jury trial in this case from 9:30 a.m. on Tuesday,
22 May 24, 2005, to a date to be determined.

23 This motion will be made on the grounds that a continuance is
24 needed in this case because defense counsel needs more time to
25 prepare for trial.

26 This motion will be based on this notice of motion, the
27 attached declaration of ROBERT BANNING, the attached memorandum of
28 points and authorities, all pleadings, records and files herein,

1 and on such oral and documentary evidence as may be presented at
2 the time of the hearing.

3 Dated: April 27, 2005.

4 
5 ROBERT BANNING
6 Attorney for Defendant

7
8
9 DECLARATION OF ROBERT BANNING

10 I, ROBERT BANNING, declare as follows:

11 I am an Assistant Public Defender in El Dorado County and
12 have been assigned this case. The defendant is currently charged
13 in Indictment Number P05CRF0161 with one count of violating Penal
14 Code Section 206, three counts of violating Penal Code Section
15 273a(a), two counts of violating Penal Code Section 245(a)(1)
16 [Assault By Means Of Force Likely To Produce Great Bodily
17 Injury], one count of violating Penal Code Section 245(a)(1)
18 [Assault With Deadly Weapon or By Means Likely to Produce Great
19 Bodily Injury], one count of violating Penal Code Section
20 245(a)(1) [Assault With Deadly Weapon or By Means Likely To
21 Produce Great Bodily Injury] enhanced by an allegation that the
22 defendant personally used a firearm during the commission of the
23 offense in violation of Penal Code Section 12022.5(a), one count
24 of violating Penal Code Section 422, one count of violating Penal
25 Code Section 422 enhanced by an allegation that the defendant was
26 armed with a firearm in violation of Penal Code Section
27 12022(a)(1), one count of violating Penal Code Section 422
28 enhanced by an allegation that the defendant personally used a

1 firearm in violation of Penal Code Section 12022.5(a), two counts
2 of violating Penal Code Section 273.5(a), two counts of violating
3 Penal Code Section 273.5(a) enhanced by an allegation that the
4 defendant personally inflicted great bodily injury in violation
5 of Penal Code Section 12022.7, one count of violating Penal Code
6 Section 236, one count of violating Penal Code Section 236
7 enhanced by an allegation that the defendant was armed with a
8 firearm during the commission of the offense in violation of
9 Penal Code Section 12022(a)(1), and one count of violating Penal
10 Code Section 246.3, all felonies.

11 A jury trial is set for Tuesday, May 24, 2005, at 9:30 a.m.

12 Other trial continuances have been requested in this case.

13 On April 15, 2005, an indictment was filed against Mr.
14 Hamlin. The Indictment superseded the Information previously
15 filed in this case. The Indictment consists of 18 felony charges;
16 the Information consisted of 9 felony charges.

17 Penal Code Section 938.1 requires that the stenographic
18 reporter certify and deliver to the clerk of the superior court
19 the transcript of the indictment proceedings within 10 days after
20 the indictment has been found. Section 938.1 then requires that
21 the clerk file the transcript and "immediately" deliver a copy to
22 the district attorney and to the defense. As of today, April 27,
23 2005, 12 days after the indictment proceedings, the defense has
24 not received a copy of the transcript.

25 The defense believes it is critical to receive and study a
26 copy the grand jury transcript, and have an adequate period of
27 time to do so, before proceeding to trial. Not only has the
28 number of counts doubled, but there are new charges as well.

1 The defense specifically needs time to determine if a motion
2 to set aside is appropriate pursuant to Penal Code Section 995.
3 The defense does not know if all or some of the currently pending
4 motions are even relevant at this time.


5 The defense also, for example, needs to study the grand jury
6 transcript to determine if certain counts are duplicative. For
7 instance, Count IX of the Indictment alleges a violation of Penal
8 Code Section 273.5(a) between the dates of June 1, 2003, and
9 February 28, 2004. Count VII alleges a violation of the same code
10 section between the dates of February 1, 2004, and February 15,
11 2004. Count XVII alleges a violation of the same code section
12 between the dates of February 1, 2004, and February 26, 2004.
13 Count XIII alleges a violation of the same code section on
14 February 11, 2004. Because Count XIII is the only count among the
15 four to allege a specific date, and because that specific date is
16 contained within the time frames of the other three counts, the
17 defense is not on notice as to whether those counts describe
18 different events or whether they describe the same event. Only
19 the transcript will give the defense a clue as to the answer.
20 This example may be only the tip of the iceberg.

21 The defense simply needs time to review the grand jury
22 transcript, determine if additional pretrial motions are
23 appropriate, determine if its witness list is still appropriate,
24 and determine if the plaintiff's witness list appears to be
25 appropriate. Again, these issues may be only the starting point.

26 I am informed and believe that Mr. Hamlin will agree to this
27 continuance.

28 I declare under penalty of perjury that the foregoing is true

1 and correct and executed on April 27, 2005, at
2 Placerville, California.

3
4 
5 ROBERT BANNING
6 Attorney for Defendant
7
8

9 MEMORANDUM OF POINTS AND AUTHORITIES

10 STATUTORY AUTHORITY

11 Penal Code Section 1050(b): "To continue any hearing in a
12 criminal proceeding,...a written notice shall be filed and served
13 on all parties...at least two days before the hearing..., together
14 with...declarations detailing specific facts showing that a
15 continuance is necessary...."

16 Dated: April 27, 2005.

17 Respectfully submitted,

18 
19 ROBERT BANNING
20 Attorney for Defendant
21
22
23
24
25
26
27
28

RE: Richard Hamlin
P05CRF0161

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On April 13, 2005, I served the within NOTICE OF MOTION AND MOTION FOR CONTINUANCE; DECLARATION IN SUPPORT THEREOF; POINTS AND AUTHORITIES on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on April 27, 2005 at Placerville, California.


ROBERT BANNING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.

RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

ARRAIGNMENT ON INDICTMENT

Date: 04/15/05 Time: 3:20 pm Dept/Div: 2

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A) (1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. Ashworth present.
Deputy District Attorney J. Alexander also present
Defendant is present IN CUSTODY.
Defendant is represented by PRO PER.
Public Defender Robert Banning present as
2nd Chair Defense Counsel.

SEE ALSO MINUTE ORDER FOR CASE #P04CRF0132.

The People inform the parties that an Indictment
has been returned against the Defendant by
way of Grand Jury today.
The Defendant is now charged with 18 counts.
The People ask that the Grand Jury Indictment
supercede the Amended Criminal Complaint in
Case #P04CRF0132.

Defendant provided with a copy of the Indictment
filed April 15 - 2005.
Copy also provided to the Court and Defense
Counsel Banning.

Defense Banning acknowledges receipt of the
Indictment and waives a full reading.

Defendant arraigned and advised of the following rights:
COUNSEL: You have the right to an attorney at all stages of the
proceedings and if it is determined you cannot afford an
attorney, the court will
appoint one to represent you. If the court appoints an attorney
for you, then upon conclusion of your case, the court will
conduct a hearing to
determine your ability to pay for the costs of appointed
counsel. You may be ordered to pay all or a part of such costs
within your ability. Such an

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

order may be enforced only by civil judgment. You have the constitutional right to represent yourself at all stages of the proceedings.

SPEEDY TRIAL: You have the right to a speedy public trial before a jury or judge and the right to have that trial within 60 days if you are in custody

JURY TRIAL: You have the right to trial by jury or you can waive that right and be tried by the court alone sitting without a jury.

SUBPOENA: You have the right to the issuance of subpoenas to compel witnesses in your behalf to appear in court and testify.

SELF INCRIMINATION: You have the right to remain silent and no adverse emphasis will be drawn from the fact if you choose not to testify.

CONFRONTATION: You have the right to face, confront and examine and cross-examine your accusers in open court.

PLEA: You have the right to plead guilty, not guilty, no contest, once in jeopardy, not guilty by reason of insanity.

CONTINUANCE: You have the right to a reasonable continuance. Defendant advised of maximum/minimum penalty.

PLEA

Defendant pleads NOT GUILTY to all counts.

Defense informs the Court and People that their counsel status is the same.

Oral motion on behalf of Defense regarding leave jury trial as set.

Motion is GRANTED.

See Case #P04CRF0132 for the jury trial set.

Defense objects to the continuance of the hearing regarding the jurisdiction of Count 4.

The People explain the delay and also that Count 4 would now be the facts contained in Counts 13 - 14 and 15 of the Indictment.

Hearing RE: JURISDICTION COUNTS 13/14/15 set for 04/29/2005 at 13:30 in Department 2.

The Court orders that any other motions - if filed - will be heard on the same day & time.

Defense Banning asks whether the Amended Criminal Complaint in Case #P04CRF0132 is now dismissed in favor of the Indictment in this case.

The People object to a "dismissal" and just want the Indictment to supercede the Amended Criminal Complaint.

Brief argument by Counsel and the Court leaves the issue open for Counsel to present later argument or brief the issue.

At this time; both the Amended Criminal Complaint and the Indictment remain open/active.

4/28/05

Page: 3

Case Number : P05CRF0161 People vs. RICHARD HAMLIN

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

----- NO BAIL -----

CC: DIST ATTY / PUB DEF BANNING

RICHARD HAMLIN C/O EL DO. CO. JAIL

=====MINUTE ORDER END===== (All faxed 4-28-05)

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

CALENDAR ADD-ON RE: INDICTMENT

Date: 04/15/05 Time: 2:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A)(1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable JUDGE JAMES R. WAGONER presiding
Clerk: A. McKenzie
Court Reporter S. Stromberg

District Attorney Gary Lacy present.
Deputy District Attorney V. Ashworth present.
Deputy District Attorney J. Alexander also pres.

The Grand Jury appears in court, 19 members are present upon
roll call.

Court inquires of Foreperson if twelve or more Grand Jurors
received evidence, participated in deliberations & returned the
Indictment to the Court.
To which the reply is yes.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of TORTURE as alleged
in Court 1.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 2.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 3.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 4.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of ASSAULT-PRODUCE
BODILY INJURY as alleged in Court 5

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as
alleged in Court 6.

The Grand Jury presents to the Court an Indictment accusing

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 7.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of FALSE IMPRISONMENT BY VIOLENCE as alleged in Court 8

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 9.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT WITH DEADLY WEAPON as alleged in Court 10.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as alleged in Court 11.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of FALSE IMPRISONMENT VIOLENCE as alleged in Court 12.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 13.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT WITH DEADLY WEAPON as alleged in Court 14.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as alleged in Court 15.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of DISCHARGE OF FIREARM as alleged in Court 16.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 17.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT-PRODUCE BODILY INJURY as alleged in Court 18

The Court having received & reviewed the indictment finds it to be a true bill as to Count(s) 1-18 & orders it filed & sealed until after arraignment

The District Attorney's Office informs the Court the defendant is in custody and request the no bail hold be reaffirmed.

4/28/05

Page: 3

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

The Court Orders the no bail hold

Arraignment on Indictment set for 04/15/2005 at 15:20 in
Department 2.

Mr. Anderson request the evidence be released to
the DA's Office pending trial.

The Court Orders all evidence be released to
the DA's Office pending trial.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P05CRF0161

MINUTE ORDER

=====

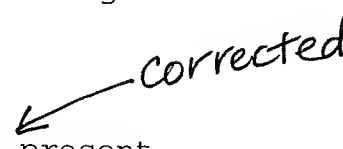
CALENDAR ADD-ON RE: INDICTMENT

Date: 04/15/05 Time: 2:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273A(A) PC-F A, 3) 273A(A) PC-F A, 4) 273A(A)
5) 245(A) (1) PC-F A, 6) 422 PC-F A, 7) 273.5(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable JUDGE JAMES R. WAGONER presiding
Clerk: A. McKenzie
Court Reporter S. Stromberg

District Attorney Gary Lacy present. 
Deputy District Attorney J. Anderson present.
Deputy District Attorney V. Ashworth present.

The Grand Jury appears in court, 19 members are present upon
roll call.

Court inquires of Foreperson if twelve or more Grand Jurors
received evidence, participated in deliberations & returned the
Indictment to the Court.
To which the reply is yes.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of TORTURE as alleged
in Court 1.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 2.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 3.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CHILD ABUSE &
ENDANGERMENT as alleged in Court 4.

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of ASSAULT-PRODUCE
BODILY INJURY as alleged in Court 5

The Grand Jury presents to the Court an Indictment accusing
RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as
alleged in Court 6.

The Grand Jury presents to the Court an Indictment accusing

4/18/05

Page: 2

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 7.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of FALSE IMPRISONMENT BY VIOLENCE as alleged in Court 8

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 9.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT WITH DEADLY WEAPON as alleged in Court 10.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as alleged in Court 11.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of FALSE IMPRISONMENT VIOLENCE as alleged in Court 12.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 13.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT WITH DEADLY WEAPON as alleged in Court 14.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CRIMINAL THREATS as alleged in Court 15.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of DISCHARGE OF FIREARM as alleged in Court 16.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of CORPORAL INJURY TO SPOUSE as alleged in Court 17.

The Grand Jury presents to the Court an Indictment accusing RICHARD W HAMLIN of committing the crime of ASSAULT-PRODUCE BODILY INJURY as alleged in Court 18

The Court having received & reviewed the indictment finds it to be a true bill as to Count(s) 1-18 & orders it filed & sealed until after arraignment

The District Attorney's Office informs the Court the defendant is in custody and request the no bail hold be reaffirmed.

4/18/05

Page: 3

Case Number : P05CRF0161 People vs. RICHARD HAMLIN
=====

The Court Orders the no bail hold

Arraignment on Indictment set for 04/15/2005 at 8:15 in
Department 2.

Mr. Anderson request the evidence be released to
the DA's Office pending trial.

The Court Orders all evidence be released to
the DA's Office pending trial.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: To Dismiss Count 4

Date: 04/15/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney S. O'BRIEN present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
Public Defender R. Banning as 2nd Chair Defense.

Also present is a representative from the State
Attorney General's Office - Angelo S. Edralin.
Counsel argue as to Defense motion to recuse
the District Attorney's Office.
Motion is DENIED.

Counsel address the Court as to why a new
evidentiary hearing date is needed.
Witness is not present and neither are Dep.
District Attorneys V. Ashworth or J. Alexander.

At 15:20 p.m. Deputy District Atty.s V. Ashworth and
J. Alexander are now present.
They inform the Court that they "thought Defense
also needed more time" so they released the
witness(es).

The People announce that they now have
an Indictment returned by way of Grand Jury.
Oral motion on behalf of the People regarding request the
Indictment supercede the
Criminal Complaint or Information.
The Court and Counsel are served a copy of
the Grand Jury Indictment.
See Case #P05CRF0161 (Indictment) for
arraignment & entry of plea.
(Defense acknowledges receipt of the Indictment
and pleads not guilty.
Counsel status remains the same and Defense
wants to keep the trial schedule in place.

4/21/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Waives a full reading of the Indictment.)

Defense objects to the continuance of the
hearing for Count Four (IV).

Discussion as on the record.

The People inform the Court and Counsel that

Count Four (IV) is now Counts 13 - 14 and 15.

Hearing RE: Juris. Cnts. 13-14 & 15 set for 04/29/2005 at 13:30
in Department 2.

The Court orders any other filed motions shall
be set for 04-29-05 at 1:30 p.m.

Argument as to whether the original charging
document for case #P04CRF0132 is now
dismissed or amended / superceded by the
Indictment.

Counsel do not resolve the issue and the Court
informs Counsel that the issue is still open.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / PUB DEF / RICHARD HAMLIN
C/O EL DORADO COUNTY JAIL

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: LIST FOR JAIL

Date: 04/15/05

Time: 4:00 pm

Dept/Div: 2

=====

Charges: 1) 206 PC-F C, 2) 273A(B) PC-M C, 3) 273A(B) PC-M C, 4) 273A(B)
5) 245(A)(1) PC-F D, 6) 422 PC-F C, 7) 273.5(A) PC-F Q
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Defendant is Not Present.
No other counsel present.

Oral motion on behalf of Jail regarding need updated legal
runner/investigator list.
Motion is GRANTED.

The following are the current names of persons
the Defendant has requested be allowed to
be legal runners etc.:

LEGAL RUNNERS:

Brad Hamlin
Debbie Adragna

PARALEGAL:

Kim Dubach.

PRIVATE INVESTIGATORS:

Ted Gunderson
Cynthia Hayes

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: JAIL (FAX)

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

FILED 7/15/05
BY [Signature]
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT#: PO5CRF-0161

DA #: 05-04-002437

INDICTMENT

The Grand Jury of El Dorado County, accuses RICHARD W. HAMLIN of 18 felonies, committed as follows:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of **PENAL CODE SECTION 206**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Susan Hamlin.

COUNT II

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, R.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT III

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death,

did cause and permit a child, A.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT IV

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, C.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT V

On or about the 17th day of September, 2003, in the County of El Dorado, the crime of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully commit an assault on Susan Hamlin by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

COUNT VI

On or about and between the 1st day of January, 2004 and the 28th day of February, 2004, in the County of El Dorado, the crime of CRIMINAL THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

COUNT VII

On or between the 1st day of February, 2004, and the 15th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

COUNT VIII

On or between the 1st day of February, 2004, and the 15th day of February, 2004, in the County of El Dorado, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully violate the personal liberty of Susan Hamlin, said violation being effected by violence, menace, fraud, and deceit.

COUNT IX

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

SPECIAL ALLEGATION - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant(s), RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin, not an accomplice to the above offense, within the meaning of Penal Code section 12022.7 and also causing the above offense to become a serious felony within the meaning of Penal Code section 1192.7(c)(8).

COUNT X

On or between the 10th day of February, 2004, and the 11th day of February, 2004, in the County of El Dorado, the crime of ASSAULT WITH DEADLY WEAPON, BY MEANS LIKELY TO PRODUCE GBI, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully, unlawfully and personally commit an assault upon Susan Hamlin with a deadly and dangerous weapon, a sword, and by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

COUNT XI

On or between the 10th day of February, 2004, and the 11th day of February, 2004, in the County of El Dorado, the crime of CRIMINAL THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan

Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPEC ALLEGATION-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, a Derringer, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT XII

On or between the 10th day of February, 2004, and the 11th day of February, 2004, in the County of El Dorado, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully violate the personal liberty of Susan Hamlin, said violation being effected by violence, menace, fraud, and deceit.

SPECIAL ALLEGATION-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, a Derringer, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT XIII

On or about the 11th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

COUNT XIV

On or about the 11th day of February, 2004, in the County of El Dorado, the crime of ASSAULT WITH DEADLY WEAPON, BY MEANS LIKELY TO PRODUCE GBI, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully, unlawfully and personally commit an assault upon Susan Hamlin with a deadly and dangerous weapon, a gun, and by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

SPECIAL ALLEGATION-USE OF A FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant personally used a firearm, to wit: a Derringer, within the meaning of Penal Code Section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

COUNT XV

On or about the 11th day of February, 2004, in the County of El Dorado, the crime of CRIMINAL THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPECIAL ALLEGATION-USE OF A FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant personally used a firearm, to wit: a Derringer], within the meaning of Penal Code Section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

COUNT XVI

On or between the 21st day of February, 2004, and the 22nd day of February, 2004, in the County of El Dorado, the crime of DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, in violation of **PENAL CODE SECTION 246.3**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death to a person.

NOTICE: It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT XVII

On or between the 1st day of February, 2004, and the 26th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

SPECIAL ALLEGATION - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant(s), RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin, not an accomplice to the above offense, within the meaning of Penal Code section 12022.7 and also

causing the above offense to become a serious felony within the meaning of Penal Code section 1192.7(c)(8).

COUNT XVIII

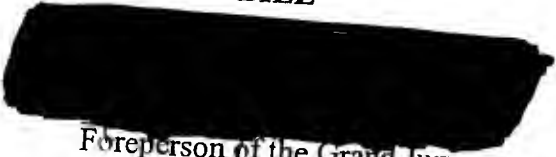
On or between the 1st day of February, 2004, and the 26th day of February, 2004, in the County of El Dorado, the crime of **ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY**, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by **RICHARD W HAMLIN**, who did willfully and unlawfully commit an assault on Susan Hamlin by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

"A TRUE BILL"

Dated:


Foreperson of the Grand Jury

4/15/05

FILED 4/15/05
BY [Signature]
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT#: P05CR10161

DA #: 05-04-002437

10-18-05
Supercedes Information

Case # P04CRF0132

INDICTMENT

The Grand Jury of El Dorado County, accuses RICHARD W. HAMLIN of 18 felonies, committed as follows:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of **PENAL CODE SECTION 206**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Susan Hamlin.

COUNT II

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, R.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT III

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death,

did cause and permit a child, A.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT IV

On or between the 1st day of November, 2003, and the 26th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, C.H., to suffer unjustifiable physical pain or mental suffering or to be placed in such a situation that his/her person and health may be endangered.

COUNT V

On or about the 17th day of September, 2003, in the County of El Dorado, the crime of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully commit an assault on Susan Hamlin by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

COUNT VI

On or about and between the 1st day of January, 2004 and the 28th day of February, 2004, in the County of El Dorado, the crime of CRIMINAL THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

COUNT VII

On or between the 1st day of February, 2004, and the 15th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

COUNT VIII

On or between the 1st day of February, 2004, and the 15th day of February, 2004, in the County of El Dorado, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully violate the personal liberty of Susan Hamlin, said violation being effected by violence, menace, fraud, and deceit.

COUNT IX

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

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SPECIAL ALLEGATION - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant(s), RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin, not an accomplice to the above offense, within the meaning of Penal Code section 12022.7 and also causing the above offense to become a serious felony within the meaning of Penal Code section 1192.7(c)(8).

COUNT X

On or between the 10th day of February, 2004, and the 11th day of February, 2004, in the County of El Dorado, the crime of ASSAULT WITH DEADLY WEAPON, BY MEANS LIKELY TO PRODUCE GBI, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully, unlawfully and personally commit an assault upon Susan Hamlin with a deadly and dangerous weapon, a sword, and by means of force likely to produce great bodily injury.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

COUNT XI

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Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPEC ALLEGATION-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, a Derringer, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT XII

On or between the 10th day of February, 2004, and the 11th day of February, 200, in the County of El Dorado, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully violate the personal liberty of Susan Hamlin, said violation being effected by violence, menace, fraud, and deceit.

SPECIAL ALLEGATION-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, a Derringer, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

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On or about the 11th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

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On or about the 11th day of February, 2004, in the County of El Dorado, the crime of ASSAULT WITH DEADLY WEAPON, BY MEANS LIKELY TO PRODUCE GBI, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully, unlawfully and personally commit an assault upon Susan Hamlin with a deadly and dangerous weapon, a gun, and by means of force likely to produce great bodily injury.

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SPECIAL ALLEGATION-USE OF A FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant personally used a firearm, to wit: a Derringer, within the meaning of Penal Code Section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

COUNT XV

On or about the 11th day of February, 2004, in the County of El Dorado, the crime of CRIMINAL THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

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It is further alleged that in the commission and attempted commission of the above offense, the said defendant personally used a firearm, to wit: a Derringer], within the meaning of Penal Code Section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

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NOTICE: It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT XVII

On or between the 1st day of February, 2004, and the 26th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

SPECIAL ALLEGATION - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant(s), RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin, not an accomplice to the above offense, within the meaning of Penal Code section 12022.7 and also

causing the above offense to become a serious felony within the meaning of Penal Code section 1192.7(c)(8).

COUNT XVIII

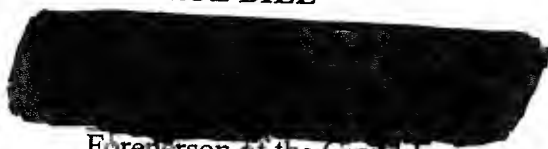
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"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

"A TRUE BILL"

Dated:


Foreperson of the Grand Jury

4/15/05

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED
05 APR 13 AM 8:56
EL DORADO COUNTY
SUPERIOR COURT
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

12 REPLY TO PLAINTIFF'S RESPONSE TO
13 MOTION TO EXCLUDE MINOR CHILDREN'S
TESTIMONY

14 Vs.

15 RICHARD HAMLIN,

Hearing Date: 4-15-05

16 Defendant.

Hearing Time: 1:30 p.m.

Department: 2

17 I.

18 LEGAL ARGUMENT

19 The plaintiff relies on cases that are inapplicable here.
20 As noted in the moving pleadings, the minor witnesses in this
21 case are not currently diagnosed with any particular physical or
22 psychiatric condition that would prevent them from competently
23 testifying.
24

25 The point of the motion is that the act and process of
26 testifying would cause the minor witnesses to become incompetent
27
28

EK

1 and would expose them to permanent disability. This is the
2 diagnosis and prognosis of Dr. David Stewart.

3 The plaintiff complains that there has been no showing that
4 the minor witnesses are incapable of testifying. The plaintiff
5 notes that the minors have given prior statements that
6 "truthfully" communicated what they saw. The plaintiff points
7 out the problem in this case. It is unknown whether the minors
8 told the truth in previous statements.
9

10 However, what is known is that Dr. Stewart testified as to
11 immediate risks the minors would face if they testified in this
12 case. The plaintiff attempts to distinguish the minors'
13 testimony in the dependency hearing from their testimony in this
14 criminal case. There is absolutely no difference. They would
15 be asked the same questions in either setting.
16

17 II.

18 CONCLUSION

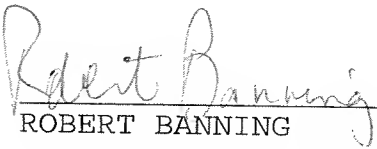
19 Although the plaintiff contends the defense has not set out
20 a sufficient showing that the minor witnesses would be rendered
21 incompetent by testifying in this case, the defense strongly
22 believes that the testimony of Dr. David Stewart at the
23 dependency hearing cited by the defense in the moving pleadings
24 is more than sufficient to meet its burden.
25

26 While the prosecution is willing to gamble away the mental
27 health of the minor witnesses, the defense is not. The
28 plaintiff has made no showing as to why the opinion of Dr.

1 Stewart is invalid now. Dr. Stewart's own testimony shows that
2 his opinion was not limited in time but extends into the distant
3 future.
4

5 Dated: April 12, 2005.
6
7

8 Respectfully submitted,
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11 
12 ROBERT BANNING
13 Attorney for Defendant
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RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On April 13, 2005, I served the within REPLY TO PLAINTIFF'S RESPONSE TO MOTION TO EXCLUDE MINOR CHILDREN'S TESTIMONY on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on April 13, 2005 at Placerville, California.


ROBERT BANNING

ORIGINAL

1 BILL LOCKYER
Attorney General of the State of California
2 ROBERT R. ANDERSON
Chief Assistant Attorney General
3 MARY JO GRAVES
Senior Assistant Attorney General
4 JANIS SHANK MCLEAN
Supervising Deputy Attorney General
5 CLAYTON S. TANAKA
Deputy Attorney General
6 State Bar No. 67767
1300 I Street
7 P.O. Box 944255
Sacramento, CA 94244-2550
8 Telephone: (916) 324-5249
Fax: (916) 324-2960
9 Attorneys for Respondent

FILED
05 APR 13 PM 12:17

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

10
11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF EL DORADO
13

14 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

15 Plaintiff,

16 v.

17 **RICHARD HAMLIN,**

18 Defendant.
19
20
21
22

P04CRF0132

**RESPONSE OF THE
ATTORNEY GENERAL IN
OPPOSITION TO MOTION
TO RECUSE THE DISTRICT
ATTORNEY OF EL DORADO
COUNTY PURSUANT TO
PENAL CODE SECTION 1424
AND POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

Date: April 15, 2005
Time: 1:30 p.m.
Dept: 2

23 **ARGUMENT**

24 **I.**

25 **RECUSAL IS NOT APPROPRIATE IN THE INSTANT CASE**

26 Defendant's argument must be evaluated in light of Penal Code section 1424 which
27 provides inter alia:
28

"Notice of any motion to disqualify a district attorney from prosecuting a criminal case

1 shall be served on the district attorney and the Attorney General at least 10 days before the
2 motion is heard. The notice of motion must set forth a statement of facts relevant to the
3 claimed disqualification and the legal authorities relied upon by the moving party. . . . *The*
4 *motion shall not be granted unless it is shown by the evidence that a conflict of interest*
5 *exists such as would render it unlikely that the defendant would receive a fair trial."*

6 (Pen. Code, § 1424; emphasis added.)

7 The Supreme Court decision in *People v. Conner* (1983) 34 Cal.3d 141, defines the
8 standard of review of Penal Code section 1424. In *Conner* the deputy district attorney initially
9 assigned to prosecute the accused was not only a witness to the commission of new criminal offenses
10 by the accused, but had been a potential victim of the offense. (*People v. Conner, supra*, 34 Cal.3d
11 141, 146, 148.) In evaluating the trial court's recusal of the entire Santa Clara County District
12 Attorney's Office, the Supreme Court determined a "conflict" within the meaning of Penal Code
13 section 1424, exists whenever the circumstances of a case evidence a reasonable possibility the
14 district attorney's office may not exercise its discretionary function in an evenhanded manner. That
15 is, is the district attorney's discretionary power so adversely affected that it is unlikely the defendant
16 would receive a fair and impartial trial? (*People v. Conner, supra*, 34 Cal.3d 141, 149.) In
17 evaluating whether such a conflict existed, the court examined: the size of the district attorney's
18 office; the communication by the deputy district attorney witness to his co-workers; the seriousness
19 of the offense to his safety; and the impact of the witness observing the commission of the offense.
20 (*People v. Conner, supra*, 34 Cal.3d 141, 149.) After making the foregoing evaluation the court
21 determined a conflict of interest, in light of the witness deputy district attorney's "harrowing
22 experience and understandable emotional involvement" in witnessing serious injuries actually
23 inflicted on a peace officer and in having suffered apparent threats to his own safety. The deputy
24 district attorney also "communicated to his fellow workers via his own conversations," his
25 "harrowing experience." (*Id.*)

26 Again, it is misleading to say the *mere appearance* of a conflict of interest will justify
27 recusal. In *People v. Conner, supra*, 34 Cal.3d 141, the California Supreme Court stated:

28 "While it is conceivable that an 'appearance' of conflict could signal the existence of
an 'actual' conflict which, although prejudicial to the defendant, might be extremely
difficult to prove, we think that the additional statutory requirement (that a conflict exist
such as would render it unlikely that the defendant would receive a fair trial) renders the
distinction between 'actual' and 'appearance' of conflict less crucial.

1 "In our view a 'conflict' within the meaning of section 1424, exists whenever the
2 circumstances of a case evidence a reasonable possibility that the DA's office may not
3 exercise its discretionary function in an evenhanded manner. Thus, there is no need to
4 determine whether a conflict is 'actual' or only give an 'appearance' of conflict."

5 (*People v. Conner, supra*, 34 Cal.3d 141, 147-148.)

6 As may be seen from this language, the key to a recusal motion is not the appearance of
7 the conflict, but whether there is evidence that it is reasonably probable the prosecutor will not treat
8 the defendant fairly.

9 "[T]he potential for prejudice to the defendant--the *likelihood* that the defendant will
10 not receive a fair trial--of unfairness. Thus section 1424 . . . does not allow
11 disqualification merely because the district attorney's further participation in the
12 prosecution would be unseemly, would *appear* improper, or would tend to reduce public
13 confidence in the impartiality and integrity of the criminal justice system. [Citations.]"

14 (*People v. Eubanks* (1996) 14 Cal.4th 580, 592, original italics.)

15 In the instant case, the defendant has articulated only the unsubstantiated suggestion of the
16 "appearance of conflict." (See declaration to defendant's motion pp. 3-4.)¹

17 It is well established when a victim or witness in one criminal case becomes a defendant
18 in another case, no conflict exists. The district attorney may prosecute the case in which the person
19 was the victim or witness and may also prosecute the person as a defendant in his or her own case.
20 This is because the prosecutor does not represent the victim or witness and does not bring the action
21 on the victim's or witness's behalf. Rather, the prosecutor brings action on behalf of the People and
22 remains impartial. (See e.g., Pen. Code, § 684, *Dix v. Superior Court* (1991) 53 Cal.3d 442, 451-
23 452.) In other words, a victim is merely another witness for the prosecution.

24 In *People v. Municipal Court* (1972) 27 Cal.App.3d 193, the Court of Appeal stated,
25 "Witnesses for the prosecution, including the victim himself are not parties to a criminal prosecution
26 and the action is not brought in their interests as individuals or on their behalf." (*Id.* at p. 207.)
27 "Thus, the relationship between them [witnesses] and the district attorney is not that of attorney and
28 client. (Gov. Code, § 26500)." (*Id.*) Indeed, "[I]t frequently occurs that a district attorney is called
upon to and does prosecute persons who are or have been prosecution witnesses." (*Id.*) As an
example, a defendant in one case may overhear a jailhouse confession and become a witness against

1. There is no evidence that any confidential information has been disclosed in this case.

1 another inmate. This commonly occurs, and no recusal is necessary in this "jailhouse informant"
2 type of situation.

3 In *In re Albert B.* (1989) 215 Cal.App.3d 361, 382, the father of a minor child argued the
4 court had erred in appointing the district attorney as counsel for the minors "because of the district
5 attorney's conflict of interests between his role as a prosecutor against the parents an as counsel for
6 the minors." Citing to Welfare & Institutions Code sections 300 and 318, and *People v. Superior*
7 *Court (Martin)* (1979) 98 Cal.App.3d 515, the court held there was no conflict of interest. (*Id.* at
8 p. 383.)

9 In *Kain v. Municipal Court* (1982) 130 Cal.App.3d 499, the defendant sought to recuse
10 the district attorney's office from prosecuting him for sex crimes against his minor daughters because
11 the district attorney's office was also representing the daughters pursuant to Welfare and Institutions
12 Code section 351 in a juvenile dependency action based on allegations of an unfit home. The
13 defendant argued that such a dual function created a conflict of interest. The Court of Appeal upheld
14 the denial of the recusal motion, noting that there was "no evidence of anything other than the district
15 attorney's normal professional involvement in this matter." (*Id.* at p. 503.)

16 In the absence of any additional credible evidence Respondent submits that defendant has
17 failed to produce any evidence that a conflict of interest exists rendering it unlikely that defendant
18 would receive a fair trial as required by Penal Code section 1424.

19 It is important to note that recusal is a "disfavored remedy that should not be applied unless
20 justified by a substantial reason related to the proper administration of justice." (*Millsap v. Superior*
21 *Court* (1999) 70 Cal.App.4th 196, 201.) Accordingly, the defendant's burden of proof in
22 demonstrating a showing of a conflict of interest necessary to justify so "drastic a remedy must be
23 especially persuasive." (*Ibid.*)

CONCLUSION

For the foregoing reasons, respondent respectfully requests that the defendant's motion to recuse the District Attorney of El Dorado County be denied.

Dated: April 12, 2005


Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California

ROBERT R. ANDERSON
Chief Assistant Attorney General

MARY JO GRAVES
Senior Assistant Attorney General

JANIS SHANK MCLEAN
Supervising Deputy Attorney General


CLAYTON S. TANAKA
Deputy Attorney General
Attorneys for Respondent

CST:imp

DECLARATION OF SERVICE BY U.S. MAIL

No.: P04CRF0132

Case Name: **People v. Hamlin**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 12, 2005, I served the attached **RESPONSE OF THE ATTORNEY GENERAL IN OPPOSITION TO MOTION TO RECUSE THE DISTRICT ATTORNEY OF EL DORADO COUNTY PURSUANT TO PENAL CODE SECTION 1424 AND POINTS AND AUTHORITIES IN SUPPORT THEREOF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, P.O. Box 944255, Sacramento, California 94244-2550, addressed as follows:

**PUBLIC DEFENDER'S OFFICE
County of El Dorado
4327 Golden Center Drive, Ste. 1
Placerville, CA 95667**

**Honorable Gary L. Lacy
El Dorado County District Attorney
515 Main Street
Placerville, CA 95667**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 12, 2005, at Sacramento, California.


Declarant

Michael Riconosciuto
P.O. Box 2000
FCI ALLENWOOD
White Deer, PA. 17887

RE: Attached Letter of Notification
To Judge Keller, of Eldorado County
pertaining to case numbers:

#P04CRF0132 California -v- Hamlin
California -v- Thompson

Note: My legal defense team, nor myself,
were not questioned by Judge Keller if
they possess new information pertinent
in the above captioned cases

March 30, 2005

BY HAND

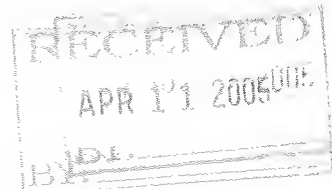
CHIEF JUDGE, CALIFORNIA SUPERIOR COURT

Please find enclosed a copy of a letter captioned JUDICIAL NOTIFICATION. This was drafted on my own and without consent of legal counsel nor any knowledge of the parties at interest in the cases at bar. This letter is to alert the Honorable Judge Keller of Eldorado County Superior Court there is factual documentation to undermine his most recent ruling in denying defense request for me to testify on behalf of Richard Hamlin (defendant).

Also, the prosecutor committed prosecutorial misconduct by not letting the court know of newly discovered information held by my legal defense team that shows the government hid in their files information that undermined their position at trial. This information in large part is contained in documents obtained under FOIA/PA, some of which are classified based on national security interests.

This letter to you, CHIEF JUSTICE, is to make known the magnitude of this information

Page 1 of 2



and its potential impact in the Thompson and Hamlin cases. There is a cover up and attempts to obstruct justice being undertaken by certain individuals, who will not stop unless judicial parties intervene.

March 30, 2005

Thank you for your time and assistance,

Michael Riconosciuto

CALIFORNIA STATE SUPERIOR COURT
COUNTY OF ELDORADO

STATE OF CALIFORNIA

-V-

RICHARD HAMLIN

JUDGE: Edward T. Keller
CASE# P04CRF0132

BY HAND

Letter of Judicial Notification alerting Honorable Judge Keller to attempts to obstruct justice and use threats of bodily harm to do so, by persons employed by the real perpetrator in this case. Also the existence of documents to refute prosecutors' and Court's position as to the reliability of a witness who holds direct knowledge and factual documents to prove such testimony.

Honorable Judge Keller:

My name is Michael Riconosciuto. I am drafting this LETTER OF JUDICIAL NOTIFICATION to put the court on notice that it's ruling, that I am not a credible witness in the Richard Hamlin case, is in direct conflict with what is contained in government files. This violates known statutes and judicial policies outlined in US CA Title 5, Section 552a{g}{i}{c} and its supporting subsections.

My legal defense team has in their possession documents obtained after my trial that clearly can be used to support the defense of Richard Hamlin and prove the direct knowledge I possess and have stated is true and correct. This information would also taint this court's most recent ruling not to allow me to testify on Richard Hamlin's behalf.

There is the additional matter of the prosecution of Phillip Arthur Thompson who is presently charged with murder and rape in the same jurisdiction as the Richard Hamlin case. The above mentioned government documents will show that Phillip Arthur Thompson was actively working as an FBI informant against me at the time he committed numerous rapes and murders. Many of these rapes and murders were orchestrated by the real perpetrator in the Hamlin case. Eldorado County has demonstrated a conflict of interest between the Phillip Arthur Thompson case and the Richard Hamlin case, insofar as the prosecutors efforts to impeach my credibility in the Hamlin case serves to obstruct my being an effective witness in the Thompson

case.

This letter is to put this court on notice and is not of any doing or motivation orchestrated by the defense or prosecution. Neither of these parties are privy to this correspondence, nor is anyone else connected to this case. The court will see, when it orders a hearing that documents prove my position beyond a reasonable doubt that Richard Hamlin is not the culprit. The real culprit is the party Mrs. Hamlin identified in her earlier sworn statement ; later retracted in fear of losing her children. It will also be shown the real perpetrator originally identified by Mrs. Hamlin is one of the leaders of a group responsible for serial rape and murder. This information will draw some serious doubt on the prosecution of Richard Hamlin and support the prosecution of Phillip Arthur Thompson, et al. The court needs to consider the fact that most of the participants in the rapes and murders connected to Phillip Arthur Thompson et al are still at large. This has had a chilling effect on witnesses coming forward. Allowing the situation to continue is certainly a miscarriage of justice. This information certainly warrants a hearing centered around the factual matters, these factual matters that must now be addressed by this court in the interest of justice.

This court has the responsibility to determine who is orchestrating a grand smoke screen to cover up and obstruct justice. Justice will be impeded by not enabling the court to find out the real culprit as proven by documentation in possession by my legal defense team, which will show there exists such parties acting in concert to cover up past crimes committed by these same individuals conspiring and acting in unison to cover up what happened here and wrongfully lay the blame on a person who attempted to expose the real culprit. There is a long established pattern and practice of the employment of covert tactics to shift the blame on the person exposing wrongful acts in violation of United States law and constitutional rights.

A most recent newspaper article in the MOUNTAIN DEMOCRAT quoting Tacoma News Tribune reporter Jerry Uhrhammer on my alleged unreliability as a source, has failed to consider official US government documentation obtained under FOIA/PA release. This material supports my veracity and demonstrates my privacy act rights were violated during my trial and reporter Jerry Uhrhammer's coverage of it in the local press. The Mountain Democrat has been provided copies of some of this FOIA/PA material and has failed to reflect the facts established through these supplied documents in their coverage of attempts to call me as a possible defense witness in the Hamlin case. The material provided to the Mountain Democrat was only recently made available to me under FOIA/PA. The exemptions to this material made under Executive Branch, CIA, and NSA classification have been administratively appealed.

This classified exculpatory material in my case was available to the prosecution, but formally denied to exist in the government's case in chief at trial.

When a conviction is obtained by willfully and knowingly withholding information contained in government files, well established principles of law and judicial policy are violated. See Code of Professional Responsibility Policy #DR7-102.A4 and US -v- Valentine 820 F2d.,565[Second Circuit 1987] criminal law note #1171.1 {i} stating:

" Criminal conviction must be reversed for prosecutorial misconduct, where prosecutor's tactics have caused substantial prejudice to defendant and served to deprive him of a fair trial..."

As seen in the Second Circuit's findings a conviction is reversed where a prosecutors tactics caused substantial prejudice to the defendant. This court has caused the same reversible error by not allowing me to testify on behalf of Richard Hamlin and providing for this court factual information supporting my direct knowledge, and also to deny me to provide supporting documentation.

My attorney{ past or present } was never notified by this court to elicit any facts or request documents to support the recent ruling to deny the defense counsels motion for me to testify.

Had the court contacted my legal defense team or set up or set up a telephonic conference to ascertain the truth and validity to support the California prosecutors contentions, it would have resulted in an affirmative response to the defense request.

Just because of one's political connections and status in a certain community, it should not buy him protection from being held accountable for heinous acts in violation of the law. If this is the case, that one is able to afford political protection in this jurisdiction then the venue of this case needs to be moved. Since we are dealing with people with political connections tied to the inner circles of Washington D.C. most powerful people, this will be difficult.

My willingness to testify on behalf of Richard Hamlin has brought forth threats of bodily injury towards my family as well as retaliatory transfer from a BOP medical facility, where I was being treated for prostate cancer as well as other serious illnesses. I have been sent to a BOP facility, [FCI Allenwood], whose medical department cannot provide me with the proper medication and treatment I require. This was all brought about because of the undue influence of the real perpetrator in Richard Hamlin's case. These actions undertaken have effectively obstructed my ability to testify or otherwise provide relevant evidence in the Hamlin case and

As stated earlier in this letter, I was never formally asked to provide , nor was my legal defense team asked to provide documentation needed in the Hamlin case or cases related to Phillip Arthur Thompson et al. I am doing this of my own free will under no promises or monetary gain from anyone.

March 30, 2005

Michael Riconosciuto

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

FILED

APR 04 2005

Attorneys for Defendant

EL DORADO CO. SUPERIOR COURT
BY Shan (DEPUTY)

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

NOTICE OF MOTION AND
MOTION TO RECUSE DISTRICT
ATTORNEY'S OFFICE

12 vs.

13 RICHARD HAMLIN,

Hearing Date: 4-15-05
Hearing Time: 1:30 p.m.
Department: 2

14 Defendant,

15
16 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY AND WILLIAM
17 LOCKYER, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

18 NOTICE IS GIVEN that on the date and time above-noted, or as
19 soon thereafter as the matter may be heard, in the above-noted
20 department of the above-entitled court, defendant RICHARD HAMLIN
21 will move pursuant to Penal Code Section 1424 and Code of Civil
22 Procedure 128 to disqualify the El Dorado County District
23 Attorney's Office from further participation in this case.

24 The motion will be made on the grounds that:

- 25 1. Susan O'Brien, attorney at law and attorney for the
26 complaining witness Susan Hamlin in a confidential
27 Welfare and Institutions Code Section 300 dependency
28 proceeding, has discussed the specifics of that

CMS

EK

1 proceeding with her husband, Sean O'Brien, Chief
2 Assistant District Attorney for El Dorado County, who in
3 turn discussed the specifics of that proceedings with at
4 least one other attorney in a public place, to wit,
5 Department 7 of the Superior Court of California, County
6 of El Dorado;

- 7 2. The District Attorney's Office has elected to prosecute
8 this defendant and categorize Susan Hamlin as a
9 complaining witness even though Susan Hamlin confessed on
10 February 26, 2004, to several crimes, including child
11 molestation and conspiracy to commit murder;
12 additionally, Susan Hamlin may be criminally liable for
13 other conduct, including filing a false police report,
14 forgery, and possession of narcotics; that the District
15 Attorney's Office cannot impartially assess the
16 defendant's conduct and Susan Hamlin's conduct
17 simultaneously; that the District Attorney's Office will
18 likely have to grant immunity for Susan Hamlin when she
19 testifies in the trial in this case; and that no law
20 enforcement agency has independently reviewed the
21 criminal conduct of Susan Hamlin as to whether she should
22 be prosecuted.

23 This motion is based on this notice of motion, the attached
24 memorandum of points and authorities, the attached declaration of
25 ROBERT BANNING, all pleadings, records and files herein, and on
26 such oral and documentary evidence as may be presented at the time
27 of the hearing.

28 ///

1 Dated: March 17, 2005.

2 
3 ROBERT BANNING
4 Attorney for Defendant

5
6 DECLARATION OF ROBERT BANNING

7 I, ROBERT BANNING, declare as follows:

8 I am the Assistant Public Defender for El Dorado County and
9 have been assigned this case. The defendant has been charged in
10 Information Number P04CRF0132 with violating Penal Code Sections
11 206, 273.5 (enhanced by Penal Code Section 12022.7), 246.3, 422
12 (enhanced by Penal Code Section 12022(a)(1)), and 273a(a).

13 This case is currently set for jury trial on to begin on
14 April 26, 2005. One of the primary issues to be heard is whether
15 the complaining witness was telling the truth on February 26,
16 2004, when she confessed certain crimes to El Dorado County
17 Sheriff's detectives or whether she was telling the truth on
18 February 28, 2004, and March 1, 2004, when she recanted her
19 confession and accused the defendant of the charges he now faces.

20 Shortly after criminal charges were brought against the
21 defendant a petition was brought pursuant to Welfare and
22 Institutions Code Section 300 requesting that the four minor
23 children of the defendant and the complaining witness be made
24 dependents of the Superior Court. Susan O'Brien, attorney at law,
25 acted as attorney for Susan Hamlin in those proceedings.

26 I am informed and believe that Susan O'Brien has disclosed
27 particular information about the dependency proceedings to her
28 husband, Sean O'Brien. Sean O'Brien is the Chief Assistant

1 District Attorney for El Dorado County. Sean O'Brien has had no
2 direct participation in this current criminal case. However, Sean
3 O'Brien has spoken to at least one other attorney about
4 information that was disclosed in the confidential dependency
5 proceedings. This conversation took place in Department 7 of the
6 Superior Court of California, County of El Dorado.

7 The District Attorney's Office has had to make an election in
8 this case as to whom it would choose to prosecute. Discovery in
9 this case shows that Susan Hamlin confessed to certain crimes on
10 February 26, 2004. Those crimes were child molestation and
11 conspiracy to commit murder. Additionally, there is evidence that
12 Susan Hamlin has committed forgery, possession of a controlled
13 substance, and the filing of a false police report.

14 Susan Hamlin has been listed by the plaintiff as a witness
15 for the plaintiff. Her criminal conduct will be the subject of
16 cross-examination that would bring into question the necessity of
17 granting Susan Hamlin immunity for those offenses. The same law
18 enforcement agencies have assessed both Richard Hamlin, the
19 defendant, and Susan Hamlin, the primary complaining witness. I
20 am informed and believe that no other independent law enforcement
21 agency has assessed this case.

22 I declare under penalty of perjury that the foregoing is true
23 and correct and, as to those matters alleged on information and
24 belief, I believe them to be true. Executed on March 17, 2005, at
25 Placerville, California.

26 
27 ROBERT BANNING
28

POINTS AND AUTHORITIES

Penal Code Section 1424 requires that this motion may not be granted unless the evidence shows that a conflict of interest exists that would make it unlikely that the defendant would receive a "fair trial".

A conflict of interest may take many forms in this context. People v. Conner (1983) 34 Cal.3d 141, 193 Cal.Rptr. 148 held that when a judge determines that a prosecutor shows prejudice against the accused which demonstrates a reasonable possibility that the prosecutor will not exercise his discretionary function in an even-handed way the judge may properly disqualify that prosecutor. Conner also held that a prosecutor shows sufficient bias to justify disqualification when the prosecutor acquires a personal, as opposed to a professional, interest in the case.

It is contended that in this case the District Attorney's Office and the El Dorado County Sheriff's Office have displayed an involvement in this case that reaches beyond professional interest. From the conduct of the Chief Assistant District Attorney in the receiving and dissemination of information about a confidential dependency proceeding to the inadequacy of the investigation and weighing process involved with the decision of whether Richard Hamlin or Susan Hamlin or both should be charged with criminal offenses, a personal interest has been displayed at many levels in the aforementioned law enforcement agencies.

Code of Civil Procedure Section 128(a)(3) and (5) gives every court the power to provide for the orderly conduct of its proceedings and its officers, to control in furtherance of justice the conduct of all persons connected with a judicial proceeding,

1 and to control its process and orders so that they conform to law
2 and justice.


3 Section 128 generally codifies the court's inherent powers to
4 control its proceedings. Trial courts have the statutory and
5 inherent powers to inquire into any appearance of impropriety and
6 may disqualify an attorney if such a step appears necessary (Klemm
7 v. Superior Court (1977) 75 Cal.App.3d 893, 142 Cal.Rptr. 509). A
8 trial court may disqualify a prosecutor for an appearance of a
9 conflict of interest as part of the court's statutory and inherent
10 powers and not simply as a matter of due process (People v.
11 Municipal Court (1978) 77 Cal.App.3d 294, 143 Cal.Rptr. 491).
12 Trial courts have the power to disqualify attorneys when necessary
13 in the furtherance of justice (Elliott v. McFarland Unified School
14 District (1985) 165 Cal.App.3d 562, 211 Cal.Rptr. 802). Trial
15 courts are generally given wide discretion as to matters of
16 disqualification of counsel (Henriksen v. Great American Savings
17 and Loan (1992) 11 Cal.App.4th 109, 14 Cal.Rptr.2d 184).

18
19 CONCLUSION

20 This Court, upon the showing that has been made by the
21 defense, must disqualify Deputy District Attorney Vicki Cargile
22 from further participation in this case because of a conflict of
23 interest.

24 Dated: March 17, 2005.

25 Respectfully submitted,

26 
27 ROBERT BANNING
28 Attorney for Defendant

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.


On April 4, 2005, I served the within NOTICE OF MOTION AND MOTION TO RECUSE DISTRICT ATTORNEY'S OFFICE on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

ATTORNEY GENERAL
1300 I Street, #1101
Sacramento, CA 94244-2550

I, PHIL DANNAKER, declare under penalty of perjury, that the foregoing is true and correct.

Executed on April 4, 2005 at Placerville, California.


PHIL DANNAKER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

READINESS AND SETTLEMENT CONFERENCE

Date: 04/01/05 Time: 2:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Co-Counsel J. Alexander also present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
2nd Chair Defense Counsel Public Defender
Robert Banning also present.

Defense Banning addresses the Court and says
the Defense needs time to respond to the
People's motion.
Oral motion on behalf of Defense regarding continue jury trial.
Continue due to lack of readiness for trial.
Defense Banning and Defendant Hamlin state
the reasons for the continuance.
They also want to re-notice the Attorney
General's Office on the motion to recuse the
District Attorney's office.
After a brief break; the People respond.
The People object to a continuance of the
jury trial - they object generally but understand
Defense's position.

Motion is GRANTED.

COURT ORDERS:

JT hearing set for 04/26/2005 at 9:30 is ordered vacated.

Time is Waived.

Motions set on April 15 - 2005 at 1:30 p.m.

Hearing RE: Questionnaire to Jury set for 05/17/2005 at 9:30 in
Department 2.

Jury Trial set for 05/24/2005 at 9:30 in Department 2.

Estimated length of trial is 15 days.

The People inform the Court and Defense that

4/13/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

they need to check with witnesses re: the jury
trial date and may have to change the date later.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMILIN
C/O THE EL DORADO COUNTY JAIL

=====MINUTE ORDER END=====

Dispo

1 **GARY L. LACY**
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530) 621-6472

4 Attorneys for the Plaintiff
5
6

FILED
MAR 30 AM 9:38

EL DORADO COUNTY
SUPERIOR COURT

BY Shaw, DEPUTY

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF EL DORADO
9

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD HAMLIN,

15 Defendant.
16

Case No. P04CRF0132

**PEOPLE'S RESPONSE TO
DEFENDANT'S MOTION TO
EXCLUDE WITNESSES WARDEN
AND BOWMAN**

Hearing: TBD
Time: 9:15 am
Dept: Two

17
18 To DEFENDANT RICHARD HAMLIN and his co-counsel of record,
19 DEPUTY PUBLIC DEFENDER ROBERT BANNING, the People herein respond
20 to defendant's Motion to Exclude Witnesses Warden and Bowman.

21 I.

22 LAW AND ARGUMENT

23 Defendant has asserted an attorney-client privilege as to
24 conversations he has ever had with Prosecution witnesses Warden
25 and Bowman pursuant to EC 954 et. seq. The People have no
26 intention of introducing or attempting to introduce any
27 confidential attorney-client communications between defendant and
28 witness Warden or Bowman and to that extent do not oppose

CMS

1 defendant's In Limine Motion in so far as it pertains to
2 communications held between defendant and witness Warden and
3 Bowman at the El Dorado County Jail after defendant was arrested
4 in the present case. The People do, however, intend to offer
5 testimony via each of these two witnesses as to non-confidential
6 non attorney-client communications and observations made prior to
7 the existence of any attorney-client relationship.

8 The attorney-client privilege does not extend beyond
9 confidential communications. EC 952. The privilege does not
10 prevent the disclosure of acts, observations or real evidence in
11 the possession the attorney. (*Samuels v. Mix* 22 Cal.4th 1 (the
12 privilege protects communications, not acts); *Andersen v.*
13 *Maryland* 427 US 463, 472 (attorney-client privilege does not
14 allow withholding evidence from the state)). In the present
15 case, witnesses Warden and Bowman are long-time friends with
16 defendant, defendant's wife and defendant's family. Each became
17 increasingly concerned over defendant's behavior and actions in
18 the months leading up to the events giving rise to defendant's
19 prosecution. Within the context of their friendship, Bowman,
20 Warden and others confronted defendant concerning his behavior.
21 Each had conversations with defendant's wife, made observations
22 and had discussions with defendant that in no way contemplated,
23 arose from or concerned any attorney-client relationship.


24 CONCLUSION

25 While not conceding defendant's claim that he had an
26 attorney-client relationship when he met with Bowman and Warden
27 at the El Dorado County Jail, the People do not intend to offer
28 or elicit any testimony or information concerning that meeting.

1 Defendant has failed, however, to establish any justification for
2 the complete exclusion of witness Bowman and Warden, and his
3 motion to prevent them from testifying should therefore be
4 denied.

5 DATED: March 29, 2005

6
7 Respectfully Submitted,
8 GARY L. LACY,
9 District Attorney

10 
11 Joseph E. Alexander
12 Deputy District Attorney
13
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 29, 2005 I served the within PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO EXCLUDE WITNESSES WARDEN AND BOWEN on the parties in said action, by delivering a true copy thereof by Inter-Office Mail to:

THE PUBLIC DEFENDER
4327 GOLDEN CENTER DRIVE., SUITE 1
PLACERVILLE CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 29, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs.RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 29, 2005 I served the within PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO EXCLUDE WITNESSES WARDEN AND BOWEN on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 29, 2005 at Placerville, California.

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for Plaintiff
6

7 IN THE EL DORADO COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,
10 Plaintiff,

11 vs.
12

13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

PEOPLE'S RESPONSE TO
MOTION TO EXCLUDE
TESTIMONY OF SHANNON
LANDRY

Hearing: April 1, 2005
Time: 2:30 p.m.
Department: 2

16 The People oppose the defendant's motion to exclude the testimony of Shannon Landry
17 in this case and submit the following response in support of such opposition.

18 RELEVANT TESTIMONY OF A WITNESS MUST BE ADMITTED

19 Although the defense makes the brief and broad statement that only relevant evidence is
20 admissible and Ms. Landry does not provide any relevant information to this case, such statement
21 is unfounded. Ms. Landry's statement is included on pages 642-644 of the discovery in this case.
22 A portion of her statement indicates that the defendant made an admission to her, in
23 August/September, 2003, regarding a domestic violence incident against the victim in this case.

24 Other portions of Ms. Landry's statement relate to a relationship she had with the
25 defendant and such testimony would be relevant as impeachment should the defendant choose to
26 testify in this case at jury trial. The relationship involved acts of moral turpitude which are
27
28

CMS

allowable impeachment under Evidence Code Section 785 et. seq and 1100 et. seq. Specifically,
People v. Wheeler (1992) 4 Cal.4th 284 and *People v. Lepolo* (1997) 55 Cal.App.4th 85 state
that any misconduct involving moral turpitude regardless of whether it results in a conviction
may be used for impeachment purposes.

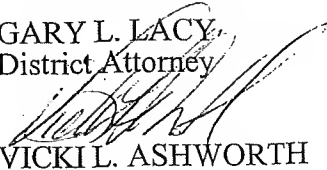
CONCLUSION

Based on the foregoing arguments, the People respectfully request that the Court deny the
defense motion to exclude the testimony of Shannon Landry.

March 29, 2005

Respectfully submitted:

GARY L. LACY
District Attorney


VICKI L. ASHWORTH
Deputy District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 30, 2005 I served the within PEOPLE'S RESPONSE TO MOTION TO EXCLUDE TESTIMONY OF SHANNON LANDRY

on the parties in said action, by delivering a true copy thereof by Inter-Office Mail to:

THE PUBLIC DEFENDER
4327 GOLDEN CENTER DRIVE., SUITE 1
PLACERVILLE CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 30, 2005 at Placerville, California.


DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 30, 2005 I served the within PEOPLE'S RESPONSE TO MOTION TO EXCLUDE TESTIMONY OF SHANNON LANDRY on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 30, 2005 at Placerville, California.

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5249
Facsimile: (916) 324-2960
E-Mail: clayton.tanaka@doj.ca.gov

March 28, 2005

Clerk of the Superior Court
El Dorado County
495 Main Street
Placerville, CA 95667

RE: People v. Richard Hamlin, No. P04CRF0132

Dear Mr. Schultz:

It has come to the attention of this office that defendant in the above-entitled matter has filed a motion to recuse the District Attorney of El Dorado County. This motion has been filed pursuant to Penal Code section 1424. Defendant has failed to serve the Office of the California Attorney General as required by Penal Code section 1424. The motion is therefore fatally defective and must be dismissed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Clayton S. Tanaka", written over a faint, larger signature.

CLAYTON S. TANAKA
Deputy Attorney General

For **BILL LOCKYER**
Attorney General

CST:Imp

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Richard Hamlin**

No.: **P04CRF0132**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On March 28, 2005, I served the attached **LETTER TO THE SUPERIOR COURT OF EL DORADO COUNTY** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, P.O. Box 944255, Sacramento, California 94244-2550, addressed as follows:

**PUBLIC DEFENDER'S OFFICE
County of El Dorado
4327 Golden Center Drive, Ste. 1
Placerville, CA 95667**

**Vicki Ashworth
Deputy District Attorney
El Dorado County
515 Main Street
Placerville, CA 95667**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 28, 2005, at Sacramento, California.

Declarant

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 521-6440

6 Attorneys for Defendant

FILED
05 MAR 25 AM 8:15
EL DORADO COUNTY
SUPERIOR COURT
[Signature] DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

RESPONSE TO MOTION FOR
AUTHENTICATION OF WRITING

12 Vs.

13 RICHARD HAMLIN,

Hearing Date: 4-1-05

Hearing Time: 2:30 p.m.

14 Defendant.

Department: 2

15 _____/
16
17 POINTS AND AUTHORITIES

18 The defense plans to comply with evidentiary requirements
19 at trial that will supply the foundation for the admission of
20 Alec's Wish Survey.
21

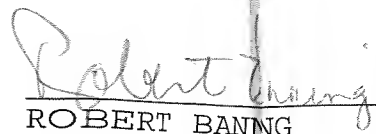
22 Further, although the plaintiff contends that the Wish
23 Survey should somehow be excluded pursuant to Evidence Code
24 Section 352, the plaintiff does not specify how the admission of
25 the Wish Survey would be so prejudicial as to outweigh its
26 probative value. If the plaintiff is required to be more
27 specific on this point the defense will gladly respond.
28

CONCLUSION

The plaintiff has not stated a cogent on to exclude Alec's Wish Survey at this time. Therefore, plaintiff's motion must be denied.

Dated: March 23, 2005.

Respectful submitted,


ROBERT BANNING
Attorney for Defendant

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 25, 2005, I served the within RESPONSE TO MOTION FOR AUTHENTICATION OF WRITING on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.


ROBERT BANNING

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 25 PM 1:31

EL DORADO COUNTY
SUPERIOR COURT

DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

12 RESPONSE TO MOTION TO ADMIT
13 TESTIMONY OF DOCTORS DANIEL
EDWARDS AND DAVID STEWART

14 Vs.

15 RICHARD HAMLIN,

Hearing Date: 4-1-05
Hearing Time: 2:30 p.m.
Department: 2

16 Defendant.

17 POINTS AND AUTHORITIES

18 The defense contends that the appointment of the doctors in
19 the Welfare and Institutions Code Section 300 dependency
20 proceeding allows those doctors to testify only in regards to
21 that proceeding. The defendant relies on Evidence Code Section
22 912(d).

23
24 In all other regards, including the present criminal case,
25 the psychotherapist-patient confidential communications
26 privilege is applicable. In this present case, Mr. Hamlin, the
27 patient, is the holder of the privilege pursuant to Evidence
28


1 Code Section 1013(a) and would insist that both psychotherapists
2 claim the privilege pursuant to Evidence Code Section 1015.

3
4 CONCLUSION

5 The statements made by Mr. Hamlin to both doctors in the
6 dependency proceeding did not waive his privilege as to this
7 proceeding. Mr. Hamlin will exercise that privilege and the
8 testimony of the doctors must be excluded.
9

10 Dated: March 25, 2005.

11
12
13 Respectfully submitted,

14
15
16 
17 ROBERT BANNING
18 Attorney for Defendant
19
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RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 25, 2005, I served the within RESPONSE TO MOTION TO ADMIT TESTIMONY OF DOCTORS DANIEL EDWARDS AND DAVID STEWART on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

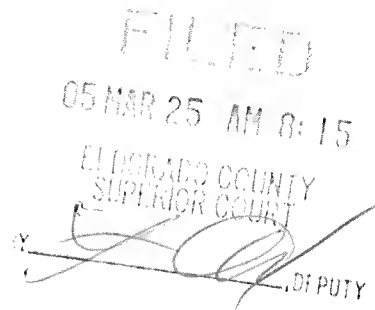
Executed on March 25, 2005 at Placerville, California.



ROBERT BANNING

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant



8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

RESPONSE TO MOTION TO
EXCLUDE TESTIMONY OF
JENNIFER HAMILTON

12 Vs.

13 RICHARD HAMLIN,

Hearing Date: 4-1-05
Hearing Time: 2:30 p.m.
Department: 2

14 Defendant.

15 _____/

16
17 POINTS AND AUTHORITIES

18 The plaintiff notes that it fails to understand the
19 relevance of the testimony of Jennifer Love Hamilton.

20 The testimony of Ms. Hamilton is relevant to the defense in
21 this case.

22 Ms. Hamilton's testimony confirms Ms. Hamlin's repeated
23 accusations of molest against her father, Sid Siemer. Although
24 the plaintiff wishes such accusations could disappear simply by
25 stating in its motion that Ms. Hamlin denies ever being molested
26 by her father, the fact remains that Ms. Hamlin not only told El
27
28

EK

1 Dorado County Sheriff's detectives on February 26, 2004, that her
2 father molested her, she also made such statements in various
3 writings. Ms. Hamlin also placed a telephone call to Ms.
4 Hamilton to discuss the molestation incident with Ms. Hamilton.

5 The plaintiff desires to prove that Mr. Hamlin beat Ms.
6 Hamlin in order for her to make those accusations. The defense
7 desires to show that Ms. Hamlin's confessions on February 26,
8 2004, were not only freely and voluntarily made, but they were
9 also true.
10

11 Ms. Hamlin's reason for recanting a few days later was
12 because her father had exercised control over her for her entire
13 life. Sid Siemer would blatantly show his daughter, Susan
14 Hamlin, that he controlled her in a variety of ways, including
15 the molestation of her friends. The molestation of Jennifer
16 Hamilton is circumstantial evidence that Sid Siemer molested
17 Susan Hamlin because of Susan's lack of reaction at the time,
18 which demonstrates Susan's compliance and accommodation of her
19 father's molestation.
20

21 The plaintiff cavalierly brushes off the molestation of
22 Jennifer Hamilton many years ago, but the fact that it went
23 unreported strengthens the defense's theory that Sid Siemer was
24 a man of such control that he could use instances such as these
25 to demonstrate to his daughter that his actions would go
26 unreported and that he had absolute control over Susan's life.
27
28

1 Such testimony is necessary to demonstrate to a jury that
2 Ms. Hamlin was struggling to regain control of her life during
3 late 2003 and early 2004 but ultimately failed. She thus
4 recanted her truthful confession made on February 26, 2004, and
5 returned to her lies that covered for her father.

6 This testimony is probative to the primary issue of the
7 case and is not prejudicial to the plaintiff's simply because it
8 hurts the plaintiff's case.


9 The plaintiff contends that this evidence is likely to
10 cause a substantial consumption of time. Actually, this
11 testimony should take very little time. The plaintiff also
12 contends that this testimony would necessitate unnecessary
13 testimony from Jennifer Hamilton and Sid Siemer. Mr. Siemer is
14 already on the plaintiff's witness list. Ms. Hamilton's
15 testimony is very necessary for clarification of the issues in
16 this case.

17
18
19 CONCLUSION

20 This Court should rule that the testimony of Jennifer
21 Hamilton is relevant and admissible.

22 Dated: March 22, 2005.

23
24 Respectfully submitted,

25 
26 ROBERT BANNING
27 Attorney for Defendant
28

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 25, 2005, I served the within RESPONSE TO MOTION TO EXCLUDE TESTIMONY OF JENNIFER HAMILTON on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.


ROBERT BANNING

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 25 AM 8:15

EL DORADO COUNTY
SUPERIOR COURT

 DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNT OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

RESPONSE TO MOTION TO EXCLUDE
TESTIMONY OF 273A(B) INCIDENT

12 Vs.

13 RICHARD HAMLIN,

Hearing Date: 4-1-05

Hearing Time: 2:30 p.m.

14 Defendant.

Department: 2

15
16 _____/
17 POINTS AND AUTHORITIES

18 I.

19 LEGAL ARGUMENT

20
21 The defense desires inclusion of evidence of the
22 circumstances involving the violation of Penal Code Section
23 273a(b) by Susan Hamlin for at least two reasons: 1) for
24 impeachment purposes and 2) as circumstantial evidence that Ms.
25 Hamlin also sexually abused the minor children.

26 The plaintiff cites People v. Sanders (1992) 10 CA4th 1268
27 for the proposition that a violation of section 273a(b) is not a
28

1 crime of moral turpitude. That is a misrepresentation of the
2 holding in Sanders. The Court held at page 1275 as follows:
3 "...(W)e conclude that a conviction under the statute **does not**
4 **necessarily** imply a readiness to do evil or any moral
5 depravity." (Emphasis added.)

6 First of all, the case against Ms. Hamlin was a misdemeanor
7 case. Ms. Hamlin entered into a diversion program and the case
8 was ultimately dismissed. However, the result is immaterial
9 pursuant to People v. Wheeler (1992) 4 C4th 284. Wheeler held
10 that evidence of a moral turpitude crime is admissible to
11 impeach a witness, subject to Evidence Code Section 352
12 analysis. The fact of a misdemeanor conviction is inadmissible
13 hearsay.
14

15 The next issue is whether the offense is a crime of moral
16 turpitude. The defense contends that Penal Code Section 273a(b)
17 is a crime of moral turpitude, particularly in the circumstances
18 surrounding Ms. Hamlin's case.
19

20 People v. Valdez (2002) 27 C4th 778 discussed the nature of
21 child endangerment. The California Supreme Court stressed that
22 the statute requires that a person "willfully" causes or permits
23 a child to suffer, or causes or permits a child to be placed in
24 a situation in which a child may be endangered. Such a person
25 is guilty of a crime. The Court stressed that negligence was
26 not sufficient for a conviction. Criminal negligence was
27 necessary for a conviction.
28

1 The defense contends that even if this Court follows the
2 approach taken in Sanders, that is, a case-by-case analysis, Ms.
3 Hamlin's case shows it to be a crime of moral turpitude. The
4 Sacramento County Sheriff's Department report shows that on
5 March 9, 1999, Sergeant R. Calvin responded to Pier 1 Imports on
6 Olsen Drive in Rancho Cordova. The sergeant was directed to a
7 Ford van parked in front of the store. Inside the van were two
8 children, ages approximately 3 and 1. A witness, Laura Camacho,
9 told the sergeant that an announcement had been made over the
10 store's intercom to determine if the parent was in the store.
11 When there was no response, the Sheriff's Department was called.
12 The sergeant was at the van for 7 minutes running a CLETS check.
13 At that time Deputy J. Collentine arrived and at the same time
14 Ms. Hamlin walked out of Pier 1 Imports.

15
16
17 Ms. Hamlin claimed she in the store for 10 minutes. She
18 said she had the van in her sight the entire time. The sergeant
19 asked Ms. Hamlin if she saw him looking into the van interior.
20 Ms. Hamlin replied that she did not see him until she exited the
21 store. The sergeant believed that Ms. Hamlin could not see into
22 the van from inside the store because the van had "smoked" glass
23 side windows and because of the "outside reflections". The
24 sergeant wrote that he could only see into the van if he shaded
25 his eyes while standing within a few inches of the van.

26
27 Deputy T. Taylor wrote a report after talking to Ms.
28 Camacho indicating that the babies had been left alone in the

1 van for **one and one-half hours**, not 10 minutes as Ms. Hamlin
2 stated.

3 Finally, Deputy Collentine wrote a report after speaking to
4 Allen Bauman, another Pier 1 employee. Mr. Bauman was present
5 when a store intercom announcement was made asking for the owner
6 of the Ford van. Ms. Hamlin never responded. Mr. Bauman said
7 Ms. Hamlin never once looked out the store window at the van.
8 While Ms. Hamlin was at the register making her purchase others
9 around her were talking about the children in the van. Ms.
10 Hamlin did not do or say anything. At that time Mr. Bauman did
11 not know that Ms. Hamlin was the owner of the van.

12 This was an offense committed against very young children.
13 The children were left alone in a van for an hour and a half.
14 Ms. Hamlin was not in a position to see into the van from the
15 store but she lied by telling the sergeant she could see into
16 the van. She expressed no concern in the store for the safety
17 of her babies. She displayed a willingness to disregard their
18 safety and put them into a very dangerous situation.

19 Ms. Hamlin clearly displayed a willingness to do evil and
20 this situation should be found to be a crime of moral turpitude.

21 Secondly, Ms. Hamlin's obvious ability to treat her
22 children in a criminal manner is circumstantial evidence that
23 she treated them criminally in other ways. She showed that
24 their safety was not her concern. Specifically, this is
25 circumstantial evidence that can be used substantively to show
26
27
28

1 that her confession of February 26, 2004, was correct and that
2 she sexually molested her children.

3 This evidence should not be excluded by Evidence Code
4 Section 352. This evidence is extremely probative. The
5 plaintiff claims but has not demonstrated that this evidence is
6 prejudicial to the plaintiff. Similarly, the plaintiff does not
7 specify why this evidence would be confusing to a jury.
8


9 II.

10 CONCLUSION

11 Evidence of Susan Hamlin's violation of Penal Code Section
12 273a(b) should not be excluded. That case was a crime of moral
13 turpitude, not subject to exclusion under Evidence Code Section
14 352. Further, it should be admissible as substantive
15 circumstantial evidence that Ms. Hamlin gave an accurate
16 statement on February 26, 2004.
17

18 Dated: March 24, 2005.

19
20 Respectfully submitted,

21
22
23 
24 ROBERT BANNING
25 Attorney for Defendant
26
27
28

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 25, 2005, I served the within RESPONSE TO MOTION TO EXCLUDE TESTIMONY OF 273A(B) INCIDENT on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.


ROBERT BANNING

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 25 AM 8:14

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

7
8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

RESPONSE TO MOTION TO ADMIT
EVIDENCE OF UNCHARGED CONDUCT
PURSUANT TO EVIDENCE CODE
SECTIONS 1101(b) AND 1109

12 Vs.

13 RICHARD HAMLIN,

Hearing Date: 4-1-05

Hearing Time: 2:30 p.m.

14 Defendant.

Department: 2

15
16 _____/
17 POINTS AND AUTHORITIES

18 As the defense understands the plaintiff's motion, the
19 plaintiff seeks to cross-admit the evidence of each alleged
20 violation of Penal Sections 273.5 and 422 to prove the violation
21 of Penal Code Section 206. Plaintiff also seeks to cross-admit
22 each alleged violation of Penal Code Sections 273.5 and 422 to
23 prove each of the other alleged violations.

24 The defense contends that such use does not come within the
25 meaning of the plaintiff's motion to introduce evidence of
26 uncharged conduct. All of the alleged conduct is charged.
27
28

CMS

EK

1 Each alleged instance of misconduct stands on its own and
2 as a separate entity. There is no relevance to introduce
3 evidence as to Count II, for instance, to support Count VI.
4 Such evidence should be strictly limited to a particular count.

5 Of more importance to the defense, however, is how this
6 motion relates to the defense motion to specify the acts upon
7 which each count is based. That motion was denied on March 14,
8 2005, by the Honorable Eddie T. Keller, Judge of the Superior
9 Court.
10

11 Evidence Code Section 1109(b) states, in part: "...the people
12 shall disclose to the defendant, including statements of
13 witnesses or a summary of the substance of any testimony that is
14 expected to be offered, in compliance with the provisions of
15 Section 1054.7 of the Penal Code." The defense insists that the
16 Evidence Code demands that the plaintiff must disclose specific
17 instances of conduct that it intends to try to introduce.
18 However, all the plaintiff is offering to disclose is that it
19 wants to offer proof of each applicable count as proof of other
20 counts. The plaintiff has not been required, at least to this
21 point, to disclose specific instances or dates to support each
22 of the counts involved in this motion.
23
24

25 The defense contends, therefore, that an analysis pursuant
26 to case law regarding the admissibility of specific conduct
27 pursuant to sections 1101(b) and 1109, is premature until this
28 Court makes a determination as to how this motion affects the


1 reconsideration of the previously denied defense Motion To
2 Elect. The concepts of these motions go hand-in-hand.

3 CONCLUSION

4 Unless this Court reconsiders the defendant's Motion To
5 Elect, the plaintiff's motion to admit uncharged conduct
6 pursuant to Evidence Code Section 1101(b) and 1109 must be
7 denied.
8

9 Dated: March 25, 2005.
10
11

12 Respectfully submitted,
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15 
16 ROBERT BANNING
17 Attorney for Defendant
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RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 25, 2005, I served the within RESPONSE TO MOTION TO ADMIT EVIDENCE OF UNCHARGED CONDUCT PURSUANT TO EVIDENCE CODE SECTIONS 1101(b) AND 1109 on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.



ROBERT BANNING

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for Plaintiff
6

EL DORADO CO. SUPERIOR CT.
FILED MAR 25 2005
BY [Signature]
Deputy

7 IN THE EL DORADO COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,
10 Plaintiff,

11 vs.
12

13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

PEOPLE'S RESPONSE TO
MOTION TO EXCLUDE MINOR
CHILDREN'S TESTIMONY
(Evidence Code §701, 352)

Hearing: April 1, 2005
Time: 2:30 p.m.
Department: 2

16 The People oppose the defendant's motion to exclude the testimony of the minor children
17 in this case and submit the following response in support of such opposition.

18 A SUFFICIENT SHOWING HAS NOT BEEN MADE TO EXCLUDE
19 THE TESTIMONY OF MINOR CHILDREN

20 Under current case law, the burden of proving a witness' incompetence lies with the party
21 who is objecting to the witness' testimony. The objecting party must establish such
22 incompetency by a preponderance of the evidence. (See *People v. Lewis* (2001) 26 Cal.4th 334;
23 *People v. Augustin* (2003) 112 Cal.App.4th 444). Although the defense in the present case has
24 pointed to prior testimony of Dr. David Stewart in the §300 proceedings, there is nothing else in
25 support of their position. While such testimony may appear significant, it must be put in
26 perspective.
27
28

1 Dr. Stewart testified at the proceedings in July, 2004, a mere four months after the
2 defendant in this case had been arrested and charged with the present offenses. Additionally, the
3 opinion by Dr. Stewart regarding the children related specifically to those proceedings and not to
4 the pending criminal case. Almost nine months has passed since such testimony and much has
5 changed in the children's lives that may change Dr. Stewart's opinion.

6 In any event, the defense must establish that the witnesses are incompetent to testify in
7 the criminal matter and they fail to do so. There has been no showing that the children are
8 incapable of expressing themselves so they are understood nor that they are incapable of
9 understanding the duty to tell the truth as required under Evidence Code Section 701(a). Quite
10 the opposite is the case here. In prior statements, the children have been able to truthfully and
11 clearly communicate what they saw and heard - remarkable under the circumstances of the
12 household in which they were living.

13 In the case of *People v. Augustin* (2003) 112 Cal.App.4th, the victim, who testified,
14 suffered from cerebral palsy and a related speech impediment which made it difficult to
15 understand her. In finding that the witness was competent to testify, the Court noted that the
16 victim was intelligent, alert and able to clearly express herself during testimony. See also
17 *People v. Lewis* (2001) 26 Cal.4th 334.

18 Based on the above argument, the defense has failed to meet its burden in establishing the
19 minor children are incompetent to testify in the present matter.

20 EVIDENCE CODE SECTION 352 DOES NOT BAR THE CHILDREN'S TESTIMONY

21 The defense also relies on Evidence Code Section 352 in attempting to exclude the minor
22 children's testimony. Such reliance is unfounded in this case. Although the defense states that
23 the testimony of the children was take an undue consumption of time and the children may
24 confuse the issues, there is no support for such statement.

25 The testimony of the children will not take an undue amount of time to present to the
26 jury. The children are of adequate age to understand the nature of the proceedings, the charges
27
28

1 against the defendant, and the need to tell the truth. Their testimony will not take any longer to
2 present than any other typical victim (such as sexual assault cases where the victim is a young
3 child).

4 The testimony of the minor children is highly probative in this case. The observations,
5 perceptions and state of mind of the children are things that only they can testify to.
6 Additionally, they are named victim's in this case which adds to the probative value of their
7 testimony. A court should not exclude relevant evidence of this nature simply because the
8 defendant believes such testimony will be bad for him, which is exactly what is being set forth in
9 this case. Since the testimony is damaging to the defendant, he now seeks to exclude it.

10 **CONCLUSION**

11 Based on the foregoing arguments, the People respectfully request that the Court deny
12 the defense motion to exclude the testimony of the minor children.

13
14 March 25, 2005

Respectfully submitted:

15 GARY L. LACY
16 District Attorney

17 
18 VICKI L. ASHWORTH
19 Deputy District Attorney
20
21
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 25, 2005 I served the within PEOPLE'S RESPONSE TO MOTION TO EXCLUDE MINOR CHILDREN'S TESTIMONY

on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.



SANDY HUNT

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 25, 2005 I served the within PEOPLE'S RESOPONSE TO MOTION TO EXCLUDE MINOR CHILDREN'S TESTIMONY

on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN
C/O EL DORADO COUNTY JAIL

by placing a copy in an envelope and delivering to the El Dorado County Sheriff's Transportation officer to deliver to Mr. Hamlin in custody.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 25, 2005 at Placerville, California.



SANDY HUNT

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED
05 MAR 23 AM 9:47

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF EL DORADO

11 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

12 Plaintiff,

NOTICE OF MOTION AND MOTION
TO EXCLUDE TESTIMONY OF
SHANNON LANDRY

13 Vs.

14 RICHARD HAMLIN,

Hearing Date: 4-1-05

Hearing Time: 2:30 p.m.

15 Defendant.

Department: 2

16
17 _____/
18 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY:

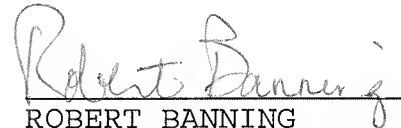
19 NOTICE IS GIVEN that on the date and time above-noted, or
20 as soon thereafter as the matter may be heard, in the above-
21 noted department of the above-entitled court, the defendant
22 RICHARD HAMLIN will move pursuant to Evidence Code Section 350
23 to exclude any proffered testimony of Shannon Landry.
24

25 The motion will be made on the grounds that:

- 26 1. Shannon Landry has no relevant information regarding the
27 charges in this case.
28

1 This motion is based on this notice of motion, the attached
2 memorandum of points and authorities, all pleadings, records and
3 files herein, and on such oral and documentary evidence as may
4 be presented at the time of the hearing.

5 Dated: March 22, 2005.

6
7 
8 ROBERT BANNING
9 Attorney for Defendant

10 POINTS AND AUTHORITIES

11 I.

12 BACKGROUND INFORMATION

13 The Honorable Eddie T. Keller, Judge presiding in this
14 case, established a briefing schedule for motions in this case.
15 Motions to be heard on April 1, 2005, were to be filed by March
16 18, 2005.

17
18 On Friday, March 18, 2005, Robert Banning, Assistant Public
19 Defender and co-counsel with Mr. Hamlin on this case, received a
20 revised witness list from Deputy District Attorney Vicki
21 Ashworth. New witnesses had been added to the revised witness
22 list. Among the additions was Shannon Landry. On Monday, March
23 21, 2005, Mr. Banning conferred with Mr. Hamlin at the El Dorado
24 County Jail regarding the revised witness list. At that time it
25 was decided to bring a motion to exclude the testimony of
26 Shannon Landry. It was not possible to prepare and file this
27 motion any sooner.
28

1 In accordance with California Rule Of Court 4.111, this
2 motion will be served upon the plaintiff 10 days prior to the
3 hearing date. It will be filed 9 days before the hearing date.

4 II.

5 LEGAL ARGUMENT

6 A review of the discovery provided to the defense by the
7 prosecution shows that Shannon Landry has no relevant
8 information to provide to the issues in this case by way of
9 testimony.
10

11 Evidence Code Section 350 states: "No evidence is
12 admissible except relevant evidence."


13 III.

14 CONCLUSION

15 This Court must exclude any testimony from Shannon Landry
16 pursuant to Evidence Code Section 350.
17

18
19 Dated: March 22, 2005.
20

21 Respectfully submitted,
22

23
24 
25 ROBERT BANNING
26 Attorney for Defendant
27
28

Re: Richard Hamlin
#P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 22, 2005, I served the within NOTICE OF MOTION AND MOTION TO EXCLUDE TESTIMONY OF SHANNON LANDRY on the parties in said action, by facsimile:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 22, 2005, at Placerville, California.


ROBERT BANNING

1 **GARY L. LACY**
2 District Attorney
3 El Dorado County
4 515 Main Street
5 Placerville, California 95667
6 Telephone: (530) 621-6472

7 Attorneys for the Plaintiff

FILED

05 MAR 21 AM 8:13

EL DORADO COUNTY
SUPERIOR COURT

BY Mosh DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD HAMLIN,

15 Defendant.

Case No. P04CRF0132

**PEOPLE'S MOTION TO EXCLUDE
TESTIMONY OF JENNIFER
HAMILTON**

Hearing: TBD
Time: 9:15 am
Dept: Two

16
17
18 To DEFENDANT RICHARD HAMLIN and his co-counsel of record,
19 DEPUTY PUBLIC DEFENDER ROBERT BANNING, the People herein move in
20 limine to exclude and/or limit the introduction of testimony of
21 proposed defense witness Jennifer Love, aka, Jennifer Hamilton
22 (hereinafter "Ms. Hamilton").

23 I.

24 Factual Background

25 Defendant has provided witness statements summarizing
26 defense investigators' interviews' with a proposed defense
27 witness named Ms. Hamilton. In short, Ms. Hamilton states that
28 approximately thirty (30) years ago, when she was seventeen (17)

1 material issue of fact in this trial. Sid Seimer is not a
2 witness in this trial, whether he touched Ms. Hamilton thirty
3 (30) years ago is not relevant to establishing any material fact
4 at issue in this case.

5 The People also propose that the testimony of Ms. Hamilton
6 should be excluded pursuant to EC 352, which states, in part,
7 that "The court may exclude evidence if its probative value is
8 substantially outweighed by the probability [of]...undue
9 consumption of time...create undue prejudice,...confusing issues,
10 or of misleading the jury." The admission of this evidence is
11 likely to cause a substantial consumption of time, including the
12 otherwise unnecessary testimony of Ms. Hamilton and Sid Seimer.
13 In addition, there is a substantial risk that the presentation of
14 this evidence will cause confusion and is likely to mislead the
15 jury. Defense essentially wants to use the actions of the
16 victim's *father* thirty (30) years ago to 'prove' *victim* is not a
17 credible witness and/or is fabricating the factual basis for the
18 charges pending against defendant in order to 'cover up' her own
19 criminal conduct, specifically, that she molested or allowed her
20 children to be molested. The prejudicial effect of this so
21 substantially outweighs any possible probative value that the
22 court should exclude the testimony of Ms. Hamilton pursuant to EC
23 352.

1 DATED: March 18, 2005

2
3 Respectfully Submitted,
4 GARY L. LACY,
5 District Attorney

6 Joseph E. Alexander
7 Deputy District Attorney
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

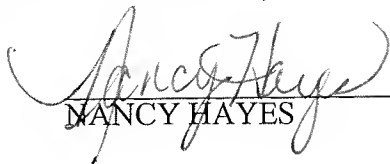
DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION TO EXCLUDE TESTIMONY OF JENNIFER HAMLIN on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



NANCY HAYES

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 18 AM 8:12

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF EL DORADO

11 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

12 Plaintiff,

NOTICE OF MOTION AND MOTION TO
EXCLUDE MINOR CHILDREN'S TESTIMONY
PURSUANT TO EVIDENCE CODE SECTIONS
701 AND 352

13 Vs.

14 RICHARD HAMLIN,

Hearing Date: 4-1-05
Hearing Time: 2:30 p.m.

15 Defendant.

Department: 2

16 _____/
17

18 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY:

19 NOTICE IS GIVEN that on the date and time above-noted, or
20 as soon thereafter as the matter may be heard, in the above-
21 noted department of the above-entitled court, defendant RICHARD
22 HAMLIN will move for an order pursuant to Evidence Code Sections
23 701 and 352 to exclude the testimony of the defendant's minor
24 children in the trial of this case.
25

26 The motion will be made on the grounds that:


- 27 1. The minor children would not continue to be competent to
28 testify pursuant to Evidence Code Section 701(a)(1);

2. The testimony of the minor children may necessitate undue consumption of time, confuse the issues, and mislead the jury pursuant to Evidence Code Section 352; and

3. The defendant would be deprived of due process and a fair trial if the minor children were allowed to testify.

This motion is based on this notice of motion, the attached memorandum of points and authorities, all pleadings, records, and files herein, and on such oral and documentary evidence as may be presented at the time of the hearing.

Dated: March 16, 2005.


ROBERT BANNING
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

I

BACKGROUND INFORMATION

In 2004 a petition pursuant to Welfare and Institutions Code Section 300 was brought by El Dorado County Counsel on behalf of the children of the defendant and the complaining witness. It was assigned case number PDP20040007. Proceedings

1 were held in that case on July 21 through 23, 2004, before the
2 Honorable Gregory W. Dwyer, Commissioner of El Dorado County.

3 Those proceedings were confidential, but reported,
4 proceedings. Mr. Hamlin, acting in propria persona, and the
5 Public Defender's Office, acting as Mr. Hamlin's co-counsel in
6 this criminal action, have copies of the transcript of the
7 confidential proceedings. It is believed that plaintiff also
8 has a copy of the transcript of those proceedings.
9

10 Because of the confidentiality of the dependency
11 proceedings, no copies of particular transcript pages will be
12 attached as exhibits nor will any exact quotes be cited in this
13 pleading. However, at the time of the hearing on this matter
14 the defense plans to refer to portions of the transcript.
15

16 Each of the defendant's four minor children has been
17 included on the plaintiff's witness list.
18

19 II

20 LEGAL ARGUMENT

21 Evidence Code Section 701(a) states: "A person is
22 disqualified to be a witness if he or she is incapable of
23 expressing himself or herself concerning the matter so as to be
24 understood, either directly or through interpretation by one who
25 can understand him; or incapable of understanding the duty of a
26 witness to tell the truth."
27
28

1 Evidence Code Section 352 states: "The court in its
2 discretion may exclude evidence if its probative value is
3 substantially outweighed by the probability that its admission
4 will (a) necessitate undue consumption of time or (b) create
5 substantial danger of undue prejudice, of confusing the issues,
6 or of misleading the jury."

7
8 Dr. David Stewart was called as a witness in the dependency
9 proceeding. Dr. Stewart's testimony included statements as to
10 how and why the giving of testimony by the minor children as to
11 certain issues would cause them irreparable psychological
12 damage. The issues were specified in Dr. Stewart's testimony.
13 Those issues are the same issues regarding which they would be
14 examined in this criminal trial. Dr. Stewart's testimony
15 indicated that the risks the minor children faced to their
16 mental health by the giving of testimony was not confined to the
17 immediate period of time surrounding his testimony given in
18 July, 2004.

19
20 This Court is cited to Dr. Stewart's testimony on page 224,
21 line 22, through page 225, line 13; page 225, line 19, through
22 page 226, line 15, with particular emphasis on page 226, line 5;
23 and page 227, lines 3 through 17.

24
25 It is the defense's contention that Dr. Stewart's
26 conclusions, based on his evaluations of the children,
27 demonstrate that their participation in this case as witnesses
28

1 would cause them to be permanently disqualified as witnesses
2 pursuant to Evidence Code Section 701(a)(1) and (2).

3 There would also be an undue consumption of time to
4 potentially draw the testimony out of the children while trying
5 to not jeopardize their mental health.

6 Also, it is contended there is a substantial danger that
7 the issues in this case could be confused by the minor children
8 witnesses if Dr. Stewart is correct about his evaluation
9 regarding their mental health if called upon to testify.

10 Finally, it is contended that there is a substantial danger
11 of misleading the jury through the testimony of the minor
12 children if Dr. Stewart is correct about his evaluation
13 regarding their mental health if called upon to testify.

14 Finally, it is argued and asserted that if the minor
15 children were allowed to testify and if Dr. Stewart is correct
16 about his evaluation regarding their mental health if called
17 upon to testify, the minor children would essentially become
18 incompetent witnesses and the defendant would be denied due
19 process by being accused by incompetent witnesses. It is not
20 enough to say that the defense has the opportunity to cross-
21 examine the minor children. It is the defense's contention that
22 the minor children would not be competent to be witnesses at all
23 pursuant to Evidence Code Section 701.

24 ///

25 ///

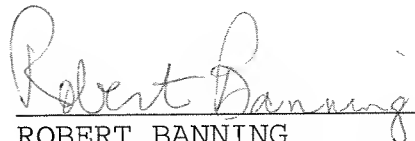
III

CONCLUSION

Pursuant to the above-stated reasons, the prosecution should be prohibited from calling the minor children as witnesses in this case.

Dated: March 16, 2005.

Respectfully submitted,


ROBERT BANNING
Attorney for Defendant

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 18, 2005, I served the within NOTICE OF MOTION AND MOTION TO EXCLUDE MINOR CHILDREN'S TESTIMONY PURSUANT TO EVIDENCE CODE SECTIONS 701 AND 352 on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



ROBERT BANNING

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 18 AM 8:11

EL DORADO COUNTY
SUPERIOR COURT

CLERK DEPUTY

8
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF EL DORADO

11 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

12 Plaintiff,

NOTICE OF MOTION AND
MOTION TO EXCLUDE

13 Vs.

TESTIMONY PURSUANT TO
EVIDENCE CODE SECTION 954

14 RICHARD HAMLIN,

Hearing Date: 4-1-05

15 Defendant.

Hearing Time: 2:30 p.m.

Department: 2

16
17
18 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY:

19 NOTICE IS GIVEN that on the date and time above-noted, or
20 as soon thereafter as the matter may be heard, in the above-
21 noted department of the above-entitled court, defendant RICHARD
22 HAMLIN will move pursuant to Evidence Code Section 954 to
23 prohibit Mike Bowman and Jim Warden from disclosing
24 confidential communications between them and Mr. Hamlin.

25 The motion will be made on the grounds that:


- 26
27 1. Evidence Code Sections 950 through 955 prohibit such
28 communications from being disclosed;

E 14

1 2. Due process under both the California and the United
2 States Constitutions prohibit such communications from
3 being disclosed.

4 This motion is based on this notice of motion, the attached
5 memorandum of points and authorities, all pleadings, records,
6 and files herein, and on such oral and documentary evidence as
7 may be presented at the time of the hearing.
8

9 Dated: March 9, 2005.

10
11 
12 ROBERT BANNING
13 Attorney for Defendant

14
15 MEMORANDUM OF POINTS AND AUTHORITIES

16 I

17 BACKGROUND INFORMATION

18 Mr. Hamlin conferred with and employed both Mr. Bowman and
19 Mr. Warden shortly after he was arrested and charged in this
20 case. Mr. Bowman and Mr. Warden are attorneys and members of
21 the California State Bar.

22 Mr. Hamlin conferred with them as attorneys in their
23 capacities as attorneys. Mr. Bowman then spoke with law
24 enforcement officers about his conversations with Mr. Hamlin.
25

26 Both Mr. Bowman and Mr. Warden are listed by the
27 prosecution as witnesses for the prosecution.
28

II

LEGAL ARGUMENT

Mr. Hamlin meets the definition of "client" pursuant to Evidence Code Section 951. Mr. Bowman and Mr. Warden meet the definition of "lawyer" in Evidence Code Section 950.

Mr. Hamlin contends that his conversations with Mr. Bowman and Mr. Warden fall within the definition of "confidential communication between client and lawyer" as set forth in Evidence Code Section 952. The exact nature of the conversations will not be disclosed in this motion because of their confidential nature.

Mr. Hamlin is the "holder of the privilege" as defined in Evidence Code Section 953(a).

Mr. Hamlin will exercise his privilege as the holder of the privilege to prevent Mr. Bowman and Mr. Warden from disclosing their confidential communications pursuant to Evidence Code Section 954(a).

Communications in a lawyer-client relationship are presumed to have been made in confidence, and the opponent of a claim of privilege has the burden of proving the communication was not confidential (Evidence Code Section 917(a)).

None of the exceptions to the non-disclosure rule listed in Evidence Code Sections 956 through 962 apply in this case.

///

///


1 III

2 CONCLUSION

3 Neither Mr. Bowman nor Mr. Warden can be permitted to
4 testify for the prosecution.
5

6
7 Dated: March 9, 2005.

8 Respectfully submitted,
9

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11 
12 ROBERT BANNING
13 Attorney for Defendant
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RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 18, 2005, I served the within NOTICE OF MOTION AND MOTION TO EXCLUDE TESTIMONY PURSUANT TO EVIDENCE CODE SECTION 954 on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.


ROBERT BANNING

1 GARY L. LACY
2 District Attorney
3 El Dorado County
4 515 Main Street
5 Placerville, California 95667
6 Telephone: (530)621-6472

EL DORADO CO. SUPERIOR CT.
FILED MAR 18 2005
BY *[Signature]* Deputy

7 Attorneys for Plaintiff

8 IN THE EL DORADO COUNTY SUPERIOR COURT
9 STATE OF CALIFORNIA

10 THE PEOPLE OF THE STATE
11 OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD W. HAMLIN,
15 Defendant.

No. P04CRF0132

PEOPLE'S MOTION IN LIMINE
TO EXCLUDE TESTIMONY
OF 273A(B) INCIDENT

Hearing: April 1, 2005
Time: 2:30 p.m.
Department: 2

16 TO RICHARD HAMLIN, PRO PER, AND CO-COUNSEL OF RECORD, ROBERT
17 BANNING, PUBLIC DEFENDER:

18 Please take notice that the People intend to introduce certain statements and admissions
19 through doctors Daniel Edwards and David Stewart and hereby submit the following motion in
20 support thereof.

21 STATEMENT OF RELEVANT FACTS

22 The People received a witness list from the defense in December, 2004 indicating that the
23 defense intends to call a deputy from Sacramento County Sheriff's Department. Based on the
24 information that the People have, we anticipate that testimony would be about an incident in
25 March, 1999 where the victim was cited for a misdemeanor violation of Penal Code Section
26 273a(b).

CMS

1 The incident involved the victim leaving two of her children asleep in the car with the
2 doors locked while she went into a store briefly. The victim indicated she could see the vehicle
3 the entire time she was in the store in case her children woke up. The defendant in this matter,
4 RICHARD HAMLIN, represented the victim in this prior incident which resulted in a deferred
5 entry of judgment plea and the case was later dismissed.

6 A VIOLATION OF PENAL CODE SECTION 273a(b) IS NOT A CRIME OF MORAL
7 TURPITUDE AND SHOULD NOT BE ADMITTED AGAINST THE VICTIM

8 Evidence Code Sections 787 and 788 set forth the manner in which specific instances of
9 conduct may or may not be used to impeach a witness' credibility. The leading case of *People v.*
10 *Castro* (1985) 28 Cal.3d 301 set forth the idea that a crime must be of "moral turpitude" to be
11 used for impeachment. Additionally, in enacting Proposition 8, voters have agreed that conduct
12 involving moral turpitude should be available as impeachment. Subsequent case law supports
13 this proposition, although courts maintain unfettered discretion to exclude such evidence under
14 Evidence Code 352. (See, for example, *People v. Wheeler* (1992) 4 Cal.4th 284 [superseded by
15 statute on other grounds]; *People v. Sapp* (2003) 31 Cal.4th 240). The plethora of cases
16 following the passage of Proposition 8 have set forth what individual or class of crimes
17 necessarily involve "moral turpitude".

18 In the case of *People v. Sanders* (1992) 10 Cal.App.4th 1268, the trial court allowed a
19 defendant to be impeached with a prior felony conviction for child endangerment (a violation of
20 Penal Code Section 273a(1)¹). The prior conviction involved an incident where the defendant
21 spanked an 8-year old child with a belt which was reported the next day.

22 The Court of Appeal cited *People v. Castro* (1985) 28 Cal.3d 301 as creating the
23 requirement that a crime involve moral turpitude to be used as impeachment against a witness.
24 In so creating, *Castro* indicated that "'Moral turpitude' means a general "'readiness to do evil'"

25
26 ¹The language of Penal Code section 273a(1) is essentially identical to the current
27 language in Penal Code section 273a(a).

1 [citation]” (*People v. Sanders* (1992) 10 Cal.App.4th 1268, citing *People v. Castro*). In holding
2 that a violation of Penal Code Section 273a(1) is not a crime of moral turpitude, the Court in
3 *Sanders* states that since a violation of that code section “can be violated by wholly passive
4 conduct, free from any element of force, violence, threat, fraud, deceit, or stealth, . . . we
5 conclude that a conviction under the statute does not necessarily imply a general readiness to do
6 evil or any moral depravity.” (*People v. Sanders, supra*, at 1274-1275).

7 In the present case, testimony regarding the Penal Code Section 273a(b) offense should
8 be excluded as improper impeachment. As concluded in *Sanders*, the offense is not one
9 involving moral turpitude and therefore is not proper. Additionally, under an Evidence Code
10 section 352 balancing, any testimony/information would be prejudicial and confusing to the jury
11 in this type of complex, hard-to-follow case.

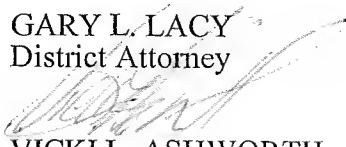
12 **CONCLUSION**

13 Based on the foregoing arguments, the People respectfully request that the Court grant the
14 People’s motion to exclude the above-discussed impeachment information.

15
16 March 17, 2005

Respectfully submitted:

17
18 GARY L. LACY
District Attorney

19 
20 VICKI L. ASHWORTH
Deputy District Attorney
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PROOF OF SERVICE

STATE OF CALIFORNIA)	PEOPLE vs. RICHARD W HAMLIN,
)	
County of El Dorado)	

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE TO EXCLUDE TESTIMONY

on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF 273A(B) INCIDENT

on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530) 621-6472

4 Attorneys for the Plaintiff
5
6

EL DORADO CO. SUPERIOR CT.
FILED APR 18 2005
BY [Signature] Deputy

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF EL DORADO
9

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD HAMLIN,

15 Defendant.
16

Case No. P04CRF0132

PEOPLE'S MOTION TO
INTRODUCE EVIDENCE OF
UNCHARGED CONDUCT PURSUANT
TO E.C. SECTIONS 1101(B) &
1109.

Hearing: TBD
Time: 9:15 am
Dept: Two

17
18 To DEFENDANT RICHARD HAMLIN and his co-counsel of record,
19 DEPUTY PUBLIC DEFENDER ROBERT BANNING, the People herein move to
20 introduce evidence of other acts pursuant to EC sections 1101(b)
21 and 1109.

22 I.

23 PROCEDURAL POSTURE

24 A. Status of Criminal Proceedings:

25 This case is set for trial by jury commencing on or about
26 April 26, 2005, in Dept. 2 of the El Dorado Superior Court, Judge
27 Keller presiding. The trial date is approximately thirty-nine
28 (39) calendar days from the filing date of this Motion.

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1 B. Notice:

2 Notice of the People's intent to offer evidence pursuant to
3 EC section 1109 appears on the face of the initial Criminal
4 Complaint (filed on or about March 2, 2004), and on the face of
5 the Amended Criminal Complaint (subsequently deemed the
6 Information).

7 C. Discovery of Other Acts Evidence:

8 The factual basis for the pending charges, as well as the
9 uncharged conduct the People move to admit herein, have been
10 previously discovered to defense by the People in compliance with
11 PC 1054, et. seq., as well as applicable case law.

12 D. Defendant's Motion to Dismiss Count IV:

13 Defendant has a pending Motion to Dismiss Count IV for lack
14 of jurisdiction and an EC 402 hearing is set for April 15, 2005
15 to address that Motion. All other In Limine Motions are due,
16 however, prior to the date of that EC 402 hearing (People's
17 Motions due March 18, 2005). Thus the People are filing this
18 Motion, a portion of which may become moot depending on the
19 court's ruling on defendant's Motion to Dismiss, in order to
20 comply with the briefing schedule set by the court and raise
21 legal issues that also pertain to defendant's Motion to Dismiss.

22 **II.**

23 **FACTUAL BACKGROUND**

24 A. Pending Charges:

25 Defendant is charged with nine (9) felony offenses, six (6)
26 of which constitutes domestic violence as defined in PC 13700.
27 The underlying factual basis for these charges is summarized as
28 follows: on and between June 1, 2003 and February 25, 2004 (when

1 defendant was arrested), defendant repeatedly, and frequently,
2 physically assaulted and mentally abused his wife, victim S.
3 Hamlin. Defendant struck victim S. Hamlin with his hands and
4 feet, stabbed victim in the head with a pen, attempted to stab
5 victim with a sword, held victim at gun-point and repeatedly
6 threatened to kill her. Victim suffered serious injuries as a
7 result of these repeated assaults, including but not limited to
8 broken ribs, broken nose, cut finger, bloody nose, significant
9 bruising and permanent disfigurement to one ear.

10 The People filed a single count of PC 206 (Torture, Count I
11 of the Information), two counts of PC 273.5 (Counts II and VI;
12 Count II also alleging GBI pursuant to PC 12022.7(e)(1)), and two
13 counts of PC 422 (Counts IV and V, each with a special allegation
14 of being armed during the commission of the crime). It is the
15 People's position that every act of domestic violence, threats
16 and mental abuse committed by defendant during the time frame
17 alleged in Count I is admissible to prove that crime occurred.
18 That same evidence, however, is cross-admissible to prove the
19 other acts of domestic violence defendant is charged with, and a
20 unanimity instruction will likely be appropriate (CALJIC 17.01).

21 B. Other Acts Evidence Pursuant to EC 1109:

22 Should this court rule that the People cannot proceed on
23 Count IV due to a lack of jurisdiction, the People move in the
24 alternative to admit the evidence that supports Count IV pursuant
25 to EC 1109.

26 1. February 11, 2004 "Roseville" Incident:

27 On or about February 11, 2004, defendant forced his wife, at
28 gun point, to drive him to Roseville so that he could kill two

1 people, Mr. & Mrs. Clum. Defendant wanted to kill the Clum's
2 because he believed they were part of a satanic cult that was
3 conspiring to kill him. Defendant obtained direction's to the
4 Clum's house via 'mapquest,' an internet site that provides free
5 maps and driving directions. Prior to leaving his home in El
6 Dorado County, defendant armed himself and instructed his
7 children to arm themselves with paint ball guns. In order to
8 make the paint ball guns more dangerous, defendant instructed his
9 children to freeze the paint ball ammo in the freezer so that the
10 balls would be frozen solid.

11 Defendant repeatedly assaulted and threatened victim as she
12 drove the car from El Dorado County into Placer County, punching
13 her in the head and face, causing a bloody nose. While traveling
14 in the car, defendant kept victim at gun point and threatened her
15 repeatedly. In Roseville, defendant ordered victim to stop next
16 to a vacant field. Defendant ordered his children to put on
17 hearing protectors, marched his wife into the vacant field at gun
18 point, and threatened to shoot her in the head and kill her.

19 Defendant has moved to dismiss Count IV, alleging a
20 violation of PC 422, for lack of jurisdiction because the
21 specific threat the People have elected as the factual basis for
22 that count occurred in Roseville as described above. Leaving the
23 jurisdictional issue for another day, the People move to admit
24 evidence of the acts of domestic violence that occurred in
25 Roseville pursuant to EC 1109.

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III.

EVIDENCE OF THE 'ROSEVILLE'
ASSAULT ON THE VICTIM ARE
ADMISSIBLE PURSUANT TO EVIDENCE
CODE SECTION 1109

Evidence of defendant's acts of domestic violence against victim (the "Roseville" incident) are admissible pursuant to Evidence Code Section 1109, which states in pertinent part:

"in a criminal action in which the defendant is accused of an offense involving domestic violence, evidence of the defendant's commission of other domestic violence is not made inadmissible by Section 1101, if the evidence is not inadmissible pursuant to Section 352."

The code section further: precludes admission of evidence of acts occurring more than 10 years before the charged offense unless admission is in the interest of justice and requires that the prosecution disclose the evidence to the defense thirty days before trial. Evidence Code Section 1109 has been upheld by the third District Court of Appeals. See, *People v. Poplar* (1999) 70 Cal. App. 4th 1129.

Domestic violence is defined per Penal Code Section 13700 which states, in pertinent part:

(A) "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself or another.

(B) "Domestic violence" means abuse committed against an adult...person with whom the suspect has had a child....

Defendant, herein, has been charged with multiple counts of domestic violence and domestic violence-related crimes. The specific acts of domestic violence described above all occurred

1 within the past ten years. Notice of the other acts evidence,
2 the People's intent to introduce other acts evidence has been
3 given well in advance of trial, and this Motion is filed more
4 than thirty (30) days prior to trial.

5 These acts are relevant to show the defendant's pattern of
6 dominance and control through violence. Evidence Code Section
7 1109 was enacted on the basis that the trier of fact should have
8 all available information about the defendant and his behavioral
9 pattern of violence in rendering its verdict. For a jury to be
10 denied such information, would be tantamount to misleading the
11 jury into the false belief that the charged acts are isolated
12 accidental or a mere fabrication by the victim.

13 IV.

14 EVIDENCE OF DEFENDANT'S
15 PRIOR ACTS OF DOMESTIC VIOLENCE
16 DOES NOT VIOLATE THE MANDATES
OF EVIDENCE CODE SEC. 352

17 Evidence Code Section 1109 is subject to the restrictions
18 of Evidence Code Section 352: namely, that the court may exclude
19 evidence if its probative value is substantially outweighed by
20 its prejudicial value.

21 In the case at bar, the evidence of defendant's other acts
22 of domestic violence is far more probative than prejudicial. In
23 *People v. Ewoldt* (1994) 7 Cal. 4th 380, the California Supreme
24 Court stressed that the principal factor affecting the probative
25 value of uncharged act evidence is the tendency of that evidence
26 to prove or demonstrate the material fact at issue. *Ewoldt*,
27 supra. at p. 404. The more direct the connection between the
28 uncharged act and the material fact at issue, the greater the

1 probative value. *People v. Carter* (1993) 19 Cal. App. 4th 1236.

2 As set forth above, the other acts evidence is relevant to:
3 corroborate the victim; show the victim's state of mind with
4 respect to her fear of the defendant; show defendant's common
5 scheme of acting out violently towards the victim; and to show
6 motive for his violence. There is little prejudice to the
7 defendant in presenting this evidence, however, any prejudice is
8 clearly outweighed by the probative value. This evidence will be
9 presented primarily through the testimony of the named victims
10 and law enforcement officers, all of whom are already testifying
11 in this case. Furthermore, the evidence the People are offering
12 pursuant to EC 1109 is part of the chronology of events that the
13 jury will hear concerning the other charges alleged.

14 The evidence is straightforward and will not cause confusion
15 or mislead the jury. With regard to prejudice to the defendant,
16 it is important to note that the "prejudice which exclusion of
17 evidence under Evidence Code Section 352 is designed to avoid is
18 not the prejudice or damage to a defense that naturally flows
19 from relevant, highly probative evidence." *People v. Karis*
20 (1988) 46 Cal. 3rd 612, 638.

21 "All evidence which tends to prove guilt
22 is prejudicial or damaging to the
23 defendant's case. The stronger the
24 evidence, the more it is "prejudicial."
25 The "prejudice referred to in Evidence
26 Code Section 352 applies to evidence
27 which uniquely tends to evoke an emotional
28 bias against the defendant as an
individual and which has very little effect
on the issues. In applying section 352,
"prejudicial" is not synonymous with "damaging."

People v. Poplar (1999) 70 Cal. App. 4th 1129,
1138; citing *Karis*, supra.

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EVIDENCE OFFERED PURSUANT TO EC 1101(B)

Evidence of other crimes or uncharged acts is admissible when relevant to prove some fact other than criminal disposition. See, E.C. 1101(b). Although first codified in E.C. 1101(b) in 1965, the idea that uncharged acts can be used to prove a charged crime has been recognized and approved by courts for over 100 years. In *People v. Chavez* (1898)122 Cal.2d 154, the defendant was accused of murdering his girlfriend. The prosecutor introduced evidence that the defendant had argued with his girlfriend five days prior to her murder. The California Supreme approved the admission of that evidence and stated:

It showed that the defendant and the deceased, while living together, had quarreled, resulting in her leaving him and fleeing to a neighbor's house for protection, in his following her and attempting to make a murderous assault upon her and in his making threats against her when his assault was frustrated. This tended to show malice and ill will on his part and a motive for the murder committed a few days later.

Chavez at 158.

In *People v. DeMoss* (1935) 4 Cal.2d 469, defendant's abusive behavior towards a murder victim prior to her death was admitted in the case charging defendant with her murder. The Court reasoned that the abuse established a motive for the killing.

The logic of using evidence of other crimes or uncharged acts has been apparent for over a century. E.C. 1101(b) recognizes this longstanding notion and provides a highway to the truth.

Nothing in this section prohibits the admission of evidence that a person committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, opportunity, intent, preparation, plan,

1 knowledge, identity, absence of mistake or accident, or
2 whether a defendant in a prosecution for an unlawful
3 sexual act or attempted unlawful sexual act did not
4 reasonably and in good faith believe that the victim
5 consented) other than his or her disposition to commit
6 such an act.

7 E.C. 1101(b).

8 A. Determining Admissibility Pursuant to EC 1101(b)

9 The factors a court must consider in determining the
10 admissibility of evidence of other crimes or uncharged acts is
11 threefold:

12 As with other types of circumstantial evidence, its
13 admissibility depends upon three principal factors: (1)
14 the materiality of the fact sought to be proved or
15 disproved; (2) the tendency of the uncharged crime to
16 prove or disprove the material fact; and (3) the
17 existence of any rule or policy requiring the exclusion
18 of relevant evidence.

19 *People v. Thompson* (1980) 27 Cal.3d 303, 315.

20 Evidence of other crimes or uncharged acts offered by the
21 People under E.C. 1101(b) must be material to the charges in the
22 present case. In other words, the evidence the People offer
23 under 1101(b) must tend to prove a particular fact at issue or an
24 element of the crime charged. For example, evidence of other
25 crimes or uncharged acts can be used to show intent (*People v.*
26 *Nible* (1988) 200 Cal.App.3d 396), identity (*People v. Gordon*
27 (1990) 50 Cal.3d 1223), to establish that the charged crime
28 occurred (*People v. Ewoldt* (1994) 7 Cal.4th 380), existence of a
common scheme or plan (*People v. Balcom* (1994) 7 Cal.4th 414),
knowledge (*People v. Maler* (1972) 23 Cal.App.3d 973), or motive
(*People v. Daniels* (1991) 52 Cal.3d 815).

1 B. Prior Shooting Incident Offered Under 1101(b):

2 In the present case, the People seek to introduce the
3 following evidence pursuant to 1101(b) to establish necessary
4 elements of the crime charged in Count III, PC 246.4 (discharge
5 of a firearm in a grossly negligent manner): On or about February
6 2, 2004, defendant became suspicious that two people who were
7 going door-to-door in his neighborhood were, in fact, conducting
8 a practice run in preparation for a satanic cult's plan to murder
9 defendant. Defendant, having armed himself with a handgun, ran
10 out of his house to confront these two people. As he was running
11 out of his house, defendant shot himself in the leg while trying
12 to stuff his handgun into his pants.

13 Approximately three weeks later, on or about February 21,
14 2004, defendant became suspicious of some cars that were parked
15 in an area below his house were present in connection with the
16 satanic cult's plot to kill him. In order to investigate,
17 defendant drove to an area near those vehicles and, in the
18 presence of his wife and kids, discharged his hand gun into the
19 air in order to 'scare off' anyone who might be there from the
20 satanic cult.

21 C. Materiality, Tendency to Establish Disputed Fact & 352:

22 "Gross negligence" as defined for purposes of PC 246.3 in
23 CALJIC 3.36 requires the People establish that the potential
24 consequences of the negligent discharge could reasonably have
25 been foreseen by the defendant. Evidence that defendant's
26 mishandling of a handgun some three weeks prior to the negligent
27 discharge alleged in Count III is material to show that defendant
28 was on actual notice, through personal experience, of the

1 potential consequences of his actions on February 21, 2004. The
2 prior discharge demonstrates defendant's cavalier attitude and
3 reckless disregard for safety when handling firearms and thus has
4 the tendency to establish the necessary elements of PC 246.3.

5 Finally, there is no extrinsic policy requiring the
6 exclusion of this evidence. EC 352 does not require exclusion of
7 this evidence. The evidence will be presented through the
8 testimony of witnesses who will be testifying in this case
9 already, limiting the consumption of time. The evidence is
10 straight forward and not likely to confuse the jury, while
11 assisting them greatly in determining whether defendant committed
12 Count III.

13 In addition, defendant's belief that he was going to be
14 assassinated by a satanic cult was a significant motive for his
15 violence towards his wife, who he believed was a high-priestess
16 in the cult and a participant in the plot to kill him. Evidence
17 of the facts and circumstances surrounding the prior shooting
18 incident are highly likely to be presented to the jury as part of
19 the chronology of mental and physical abuse inflicted upon the
20 victims in this case.

21
22 DATED: March 18, 2005

23
24 Respectfully Submitted,
25 GARY L. LACY,
26 District Attorney

27 Joseph E. Alexander
28 Deputy District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION TO INTRODUCE EVIDENCE OF UNCHARGED CONDUCT

on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

DOCKET #: P04CRF0132

DA # 04-03-001499-1

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On March 18, 2005 I served the within PEOPLE'S MOTION TO INTRODUCE
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on the parties in said action, by faxing a a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

1 PUBLIC DEFENDER'S OFFICE
2 County of El Dorado
3 4327 Golden Center Drive, Suite 1
4 Placerville, CA 95667
5 (530) 621-6440

6 Attorneys for Defendant

FILED

05 MAR 18 AM 8:11

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

11 Plaintiff,

NOTICE OF MOTION AND
MOTION TO RECUSE DISTRICT
ATTORNEY'S OFFICE

12 vs.

13 RICHARD HAMLIN,

Hearing Date: 4-1-05

Hearing Time: 2:30 p.m.

14 Defendant,

Department: 2

15
16 TO: GARY LACY, DISTRICT ATTORNEY OF EL DORADO COUNTY AND WILLIAM
17 LOCKYER, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

18 NOTICE IS GIVEN that on the date and time above-noted, or as
19 soon thereafter as the matter may be heard, in the above-noted
20 department of the above-entitled court, defendant RICHARD HAMLIN
21 will move pursuant to Penal Code Section 1424 and Code of Civil
22 Procedure 128 to disqualify the El Dorado County District
23 Attorney's Office from further participation in this case.

24 The motion will be made on the grounds that:

- 25 1. Susan O'Brien, attorney at law and attorney for the
26 complaining witness Susan Hamlin in a confidential
27 Welfare and Institutions Code Section 300 dependency
28 proceeding, has discussed the specifics of that

CK
CMS

1 proceeding with her husband, Sean O'Brien, Chief
2 Assistant District Attorney for El Dorado County, who in
3 turn discussed the specifics of that proceedings with at
4 least one other attorney in a public place, to wit,
5 Department 7 of the Superior Court of California, County
6 of El Dorado;

7 2. The District Attorney's Office has elected to prosecute
8 this defendant and categorize Susan Hamlin as a
9 complaining witness even though Susan Hamlin confessed on
10 February 26, 2004, to several crimes, including child
11 molestation and conspiracy to commit murder;
12 additionally, Susan Hamlin may be criminally liable for
13 other conduct, including filing a false police report,
14 forgery, and possession of narcotics; that the District
15 Attorney's Office cannot impartially assess the
16 defendant's conduct and Susan Hamlin's conduct
17 simultaneously; that the District Attorney's Office will
18 likely have to grant immunity for Susan Hamlin when she
19 testifies in the trial in this case; and that no law
20 enforcement agency has independently reviewed the
21 criminal conduct of Susan Hamlin as to whether she should
22 be prosecuted.

23 This motion is based on this notice of motion, the attached
24 memorandum of points and authorities, the attached declaration of
25 ROBERT BANNING, all pleadings, records and files herein, and on
26 such oral and documentary evidence as may be presented at the time
27 of the hearing.

28 ///

1 Dated: March 17, 2005.

2 
3 ROBERT BANNING
4 Attorney for Defendant
5

6 DECLARATION OF ROBERT BANNING

7 I, ROBERT BANNING, declare as follows:

8 I am the Assistant Public Defender for El Dorado County and
9 have been assigned this case. The defendant has been charged in
10 Information Number P04CRF0132 with violating Penal Code Sections
11 206, 273.5 (enhanced by Penal Code Section 12022.7), 246.3, 422
12 (enhanced by Penal Code Section 12022(a)(1)), and 273a(a).

13 This case is currently set for jury trial on to begin on
14 April 26, 2005. One of the primary issues to be heard is whether
15 the complaining witness was telling the truth on February 26,
16 2004, when she confessed certain crimes to El Dorado County
17 Sheriff's detectives or whether she was telling the truth on
18 February 28, 2004, and March 1, 2004, when she recanted her
19 confession and accused the defendant of the charges he now faces.

20 Shortly after criminal charges were brought against the
21 defendant a petition was brought pursuant to Welfare and
22 Institutions Code Section 300 requesting that the four minor
23 children of the defendant and the complaining witness be made
24 dependents of the Superior Court. Susan O'Brien, attorney at law,
25 acted as attorney for Susan Hamlin in those proceedings.

26 I am informed and believe that Susan O'Brien has disclosed
27 particular information about the dependency proceedings to her
28 husband, Sean O'Brien. Sean O'Brien is the Chief Assistant

1 District Attorney for El Dorado County. Sean O'Brien has had no
2 direct participation in this current criminal case. However, Sean
3 O'Brien has spoken to at least one other attorney about
4 information that was disclosed in the confidential dependency
5 proceedings. This conversation took place in Department 7 of the
6 Superior Court of California, County of El Dorado.

7 The District Attorney's Office has had to make an election in
8 this case as to whom it would choose to prosecute. Discovery in
9 this case shows that Susan Hamlin confessed to certain crimes on
10 February 26, 2004. Those crimes were child molestation and
11 conspiracy to commit murder. Additionally, there is evidence that
12 Susan Hamlin has committed forgery, possession of a controlled
13 substance, and the filing of a false police report.

14 Susan Hamlin has been listed by the plaintiff as a witness
15 for the plaintiff. Her criminal conduct will be the subject of
16 cross-examination that would bring into question the necessity of
17 granting Susan Hamlin immunity for those offenses. The same law
18 enforcement agencies have assessed both Richard Hamlin, the
19 defendant, and Susan Hamlin, the primary complaining witness. I
20 am informed and believe that no other independent law enforcement
21 agency has assessed this case.

22 I declare under penalty of perjury that the foregoing is true
23 and correct and, as to those matters alleged on information and
24 belief, I believe them to be true. Executed on March 17, 2005, at
25 Placerville, California.

26 
27 ROBERT BANNING
28

POINTS AND AUTHORITIES

Penal Code Section 1424 requires that this motion may not be granted unless the evidence shows that a conflict of interest exists that would make it unlikely that the defendant would receive a "fair trial".

A conflict of interest may take many forms in this context. People v. Conner (1983) 34 Cal.3d 141, 193 Cal.Rptr. 148 held that when a judge determines that a prosecutor shows prejudice against the accused which demonstrates a reasonable possibility that the prosecutor will not exercise his discretionary function in an even-handed way the judge may properly disqualify that prosecutor. Conner also held that a prosecutor shows sufficient bias to justify disqualification when the prosecutor acquires a personal, as opposed to a professional, interest in the case.

It is contended that in this case the District Attorney's Office and the El Dorado County Sheriff's Office have displayed an involvement in this case that reaches beyond professional interest. From the conduct of the Chief Assistant District Attorney in the receiving and dissemination of information about a confidential dependency proceeding to the inadequacy of the investigation and weighing process involved with the decision of whether Richard Hamlin or Susan Hamlin or both should be charged with criminal offenses, a personal interest has been displayed at many levels in the aforementioned law enforcement agencies.

Code of Civil Procedure Section 128(a)(3) and (5) gives every court the power to provide for the orderly conduct of its proceedings and its officers, to control in furtherance of justice the conduct of all persons connected with a judicial proceeding,

1 and to control its process and orders so that they conform to law
2 and justice.

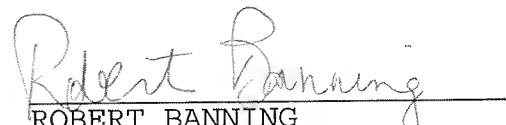
3 Section 128 generally codifies the court's inherent powers to
4 control its proceedings. Trial courts have the statutory and
5 inherent powers to inquire into any appearance of impropriety and
6 may disqualify an attorney if such a step appears necessary (Klemm
7 v. Superior Court (1977) 75 Cal.App.3d 893, 142 Cal.Rptr. 509). A
8 trial court may disqualify a prosecutor for an appearance of a
9 conflict of interest as part of the court's statutory and inherent
10 powers and not simply as a matter of due process (People v.
11 Municipal Court (1978) 77 Cal.App.3d 294, 143 Cal.Rptr. 491).
12 Trial courts have the power to disqualify attorneys when necessary
13 in the furtherance of justice (Elliott v. McFarland Unified School
14 District (1985) 165 Cal.App.3d 562, 211 Cal.Rptr. 802). Trial
15 courts are generally given wide discretion as to matters of
16 disqualification of counsel (Henriksen v. Great American Savings
17 and Loan (1992) 11 Cal.App.4th 109, 14 Cal.Rptr.2d 184).

18 19 CONCLUSION

20 This Court, upon the showing that has been made by the
21 defense, must disqualify Deputy District Attorney Vicki Cargile
22 from further participation in this case because of a conflict of
23 interest.

24 Dated: March 17, 2005.

25 Respectfully submitted,

26 
27 ROBERT BANNING
28 Attorney for Defendant

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On March 18, 2005, I served the within NOTICE OF MOTION AND MOTION TO RECUSE DISTRICT ATTORNEY'S OFFICE on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.


Executed on March 18, 2005 at Placerville, California.



ROBERT BANNING

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for Plaintiff
6

EL DORADO CO. SUPERIOR CT.
FILED **MAR 18 2005**
BY 
Deputy

7 IN THE EL DORADO COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,

10 Plaintiff,

11 vs.
12

13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

PEOPLE'S MOTION IN LIMINE
TO ADMIT TESTIMONY OF
PSYCHOLOGISTS
DR. DANIEL EDWARDS AND
DR. DAVID STEWART

Hearing: April 1, 2005
Time: 2:30 p.m.
Department: 2

16 TO RICHARD HAMLIN, PRO PER, AND CO-COUNSEL OF RECORD, ROBERT
17 BANNING, PUBLIC DEFENDER:

18 Please take notice that the People intend to introduce certain statements and admissions
19 through doctors Daniel Edwards and David Stewart and hereby submit the following motion in
20 support thereof.

21 STATEMENT OF RELEVANT FACTS

22 In the Family Law Court matter related to the current case, Drs. Edwards and Stewart
23 were appointed by the Court to evaluate the defendant as well as additional witnesses in this case.
24 During the evaluation of the defendant on April 6-7, 2004 by Dr. Daniel Edwards, the defendant
25 made certain admissions regarding the offenses for which he is now on trial. Additionally, the
26 defendant was evaluated on April 9, 2004 by Dr. David Stewart and again made admissions as
27
28

CMS

1 well as prior inconsistent statements regarding the offenses of which he is charged. The People
2 intend on introducing such statements at trial through the testimony of each of the doctors.

3 EVIDENCE CODE SECTION 1017 SPECIFICALLY SETS FORTH AN
4 EXCEPTION TO THE PSYCHOTHERAPIST-PATIENT PRIVILEGE

5 In the present case, the above-mentioned psychologists were appointed by the Family
6 Law Court to interview/evaluate the defendant to answer certain questions set forth by the Court.
7 As stated above, the defendant made statements during these interviews which the People are
8 entitled to use during our case-in-chief.

9 Although typically there is a psychotherapist-patient privilege that protects confidential
10 communications, Evidence Code Section 1017 specifically sets forth an exception to such
11 privilege. The section states in pertinent part that “[t]here is no privilege under this article if the
12 psychotherapist is appointed by order of a court to examine the patient”, but the privilege does
13 exist if the psychotherapist is appointed by the court at the request of the defense attorney for the
14 purposes of evaluating his client to determine if an insanity plea or other mental defense is
15 appropriate. Such is not the case here. Rather, the doctors were appointed in a separate matter
16 altogether and were not at all for the purpose of evaluating the defendant for any possible mental
17 defenses.

18 In this case, no privilege exists to protect any statements as a ‘confidential
19 communication’ and instead, normal rules of hearsay evidence apply and the statements are then
20 admissible as admissions as well as prior inconsistent statements.

21 //

22 //

23 //

24 //

25 //

26 //

1 CONCLUSION

2 Based on the foregoing arguments, the People respectfully request that the Court grant the
3 People's motion to allow testimony by both doctors.

4
5 March 17, 2005

Respectfully submitted:

6 GARY L. LACY
7 District Attorney

8 VICKI L. ASHWORTH
9 Deputy District Attorney
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE TO ADMIT TESTIMONY OF PSYCHOLOGISTS DR. DANIEL EDWARDS AND DR. DAVID STEWART on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

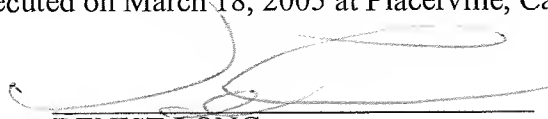
DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE TO ADMIT TESTIMONY OF PSYCHOLOGISTS DR. DANIEL EDWARDS AND DR. DAVID STEWART on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

EL DORADO CO. SUPERIOR CT.
FILED MAR 18 2005
BY [Signature] Deputy

5 Attorneys for Plaintiff
6

7 IN THE EL DORADO COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,
10 Plaintiff,

11 vs.

12
13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

PEOPLE'S MOTION IN LIMINE
FOR OFFER OF PROOF,
FOUNDATION AND
AUTHENTICATION OF WRITING

Hearing: April 1, 2005
Time: 2:30 p.m.
Department: 2

16 TO RICHARD HAMLIN, PRO PER, AND CO-COUNSEL OF RECORD, ROBERT
17 BANNING, PUBLIC DEFENDER:

18 Please take notice that the People intend to introduce certain statements and admissions
19 through doctors Daniel Edwards and David Stewart and hereby submit the following motion in
20 support thereof.

21 STATEMENT OF RELEVANT FACTS

22 In discovery provided in this case, a school project entitled "Wish Survey for _____"
23 and the name "Alec" is handwritten on the line. The People presuppose that the defense will
24 seek to introduce such writing at the jury trial and the People oppose any reference to or
25 introduction of such document.
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27
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CMS

1 THE PROPONENT OF A WRITING MUST ESTABLISH
2 A PRELIMINARY FACT BEFORE A WRITING IS ADMISSIBLE

3 Evidence Code Section 403 states that "the proponent of the proffered evidence has the
4 burden of producing evidence as to the existence of the preliminary fact, . . .". To date, the
5 defense has not offered any evidence as the existence of a necessary preliminary fact as required
6 under Evidence Code Section 403. The People oppose any reference, use and/or introduction of
7 this writing at the jury trial due to this lack of authentication and a lack of foundation. Although
8 portions of the "survey" are handwritten, it clearly is not "Alec" who wrote or filled in the
9 information. Additionally, there has been no information that "Alec" even remembers the
10 assignment and its contents.

11 Additionally, under Evidence Code Section 352, any reference to or use of such writing,
12 regardless of its admissibility issues, would be highly prejudicial in this case with little to no
13 probative value due to the vague and ambiguous nature.

14 CONCLUSION

15 Based on the foregoing arguments, the People respectfully request that the Court grant the
16 People's motion to exclude the above-discussed impeachment information.

17
18 March 17, 2005

Respectfully submitted:

19
20 GARY L. LACY
District Attorney

21
22 VICKI L. ASHWORTH
Deputy District Attorney
23
24
25
26
27
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PROOF OF SERVICE

STATE OF CALIFORNIA)	PEOPLE vs. RICHARD W HAMLIN,
)	
County of El Dorado)	

DOCKET #: P04CRF0132

DA # 04-03-001499-1


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE FOR OFFER OF PROOF, FOUNDATION AND AUTHENTICATION OF WRITING on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
300 FAIR LANE
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 18, 2005 I served the within PEOPLE'S MOTION IN LIMINE FOR OFFER OF PROOF, FOUNDATION AND AUTHENTICATION OF WRITING

on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 18, 2005 at Placerville, California.



DENISE LONG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: Protective Order

Date: 03/17/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Defense R. Banning present.

At 13:35 p.m. court convenes on the record.
The People provide a new Protective Order and
have removed all names except Susan Hamlin
and the 4 children.
The Defendant does not object and will stipulate
to the Protective Order.
Oral motion on behalf of the People regarding sign new order.
Motion is GRANTED.
Discussion re: date of order expiration.

COURT ORDERS:

The Protective Order will be in effect until
06-10-05 and then can be renewed.
The Protective Order is filed and a copy served
on the Defendant.
At 13:40 p.m. court adjourns.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: TO ELECT & 402

Date: 03/14/05 Time: 1:30 pm Dept/Div: 2

=====
Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Co-Counsel for the People; J. Alexander present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
Defense 2nd Chair Counsel Dep. Public
Defender Robert Banning also present.

At 13:30 p.m. court convenes on the record.
The People provide to the Court the Supplemental
Factual Statement.
Defense Counsel notes that Susan Hamlin's
Counselor Barbara Sims is present in the
courtroom.

Oral motion on behalf of Defense regarding exclude Barbara Sims
from courtroom
Counsel argue.
Motion is DENIED.
Ms. Sims may stay in the courtroom.

Defendant's exhibit(s) #1: 3 pg. copy of letter re: Susan Hamlin
is/are marked for identification purposes only.
The document is also filed at Defense request.

Further argument / discussion as put forth on the
record.
At 13:54 p.m. the Court goes off-record to do research
until 2:05 p.m. - now back on the record.
Counsel now argue the jurisdiction of Count 4.
The Court rules that live testimony from Susan
Hamlin will be needed - so the motion needs to be
re-set for when she can be present.

As to the motion to compel election of facts:
Argument by Counsel and Defense submits as

3/16/05

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

to the "turture" charge and argument as to the
child abuse charges.
The Court finds sufficient notice has been given
to the Defense.
Motion is DENIED.
Except as to the People giving the Defense
specificity on Counts 4 & 5.

Motion RE: To Dismiss Count 4 set for 04/15/2005 at 13:30 in
Department 2.

The People inform the Court that the Protective
Order issued on 03-02-04 by Judge Haas was for
1 year and has expired.
Oral motion on behalf of the People regarding extend or renew
protective order
The Defendant objects and demands a hearing
on the issue.
The Defendant agrees as to some names on the
order and disagrees as to other names.
The Court will set a hearing and issues a
temporary order re: Susan Hamlin and the 4
children - to expire at the hearing on 03-17-05.
Temporary Protective Order filed.
Defendant served a copy in court.

Hearing RE: Protective Order set for 03/17/2005 at 13:30 in
Department 2.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / PUB DEF / RICHARD HAMLIN C/O JAIL
=====MINUTE ORDER END=====

Dispo

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION, IF
EL DORADO COUNTY SUPERIOR COURT
DEPARTMENT 7
2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA

EL DORADO COUNTY SUPERIOR CT.
FILED March 14, 2005

PEOPLE OF THE STATE OF CALIFORNIA
vs.

Bahly
Deputy

DEFENDANT: RICHARD W HAMLIN

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, §136.2)

CASE NUMBER:
P04CRF0132

☐ ORDER PENDING TRIAL

☐ MODIFICATION

☐ ORDER POST TRIAL PROBATION CONDITION

☐ DOMESTIC CASE
(Pen. Code Sec. 13700)

THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER

PERSON TO BE RESTRAINED (Name): RICHARD W HAMLIN

Sex: M Ht.: 6'0" Wt.: 230 lbs

Hair Color: Brown

Eye Color: Brown

Race: W

Age: 44

DOB: 04/15/1960

☐ The defendant is a peace officer with _____ Department.

1. This proceeding was heard
on (date): 03/14/05 at: 1:30 P.M. in Dept.: 2 Room:
by judicial officer (name): Eddie T. Keller
2. ☒ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant
- must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
 - must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within
 - ☒ 24 hours after issuance of this order (if restrained person is present at hearing)
 - ☐ 48 hours after service of this order (if restrained person is not present at hearing)
 - ☐ other (specify):
- The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.
- must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
 - ☒ must have no personal, telephonic, or written contact with the protected persons named below.
 - ☒ must have no contact with the protected persons named below through a third party, except an attorney of record.
 - ☒ must not come within 100 yards of the protected persons named below.
 - ☐ may have peaceful contact with the protected persons named above for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.
 - ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.

4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.

5. NAMES OF PROTECTED PERSONS:

SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN, ~~JUDY SIEMER,~~
~~SIDNEY SIEMER, GLEN SIEMER AND TERRY AAL and the residence of 2882 WEST COAST AVE, FRESNO, CA.~~

6. Other orders including stay-away orders from specific locations:

7. This order expires on (specify date): 3/17/05 at 1:30 pm
If no date is listed, this order expires three years from the date of issuance.

Date: 3/14/05

Eddie Keller
JUDICIAL OFFICER Department/Division:

WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION. Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. NOTICE REGARDING FIREARMS. Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
4. ENFORCING THIS RESTRAINING ORDER IN CALIFORNIA
 - This order shall be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement shall determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement shall advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Family Code, § 6383.)
5. ENFORCING RESTRAINING ORDERS ACROSS STATE LINES. Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid when the order appears authentic on its face. (Family Code, § 6380.5(a).)
6. CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA). The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
7. EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 7 on the reverse.
 - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.
8. CHILD CUSTODY AND VISITATION
 - Child custody and visitation orders may be established or modified in Family, Juvenile or Probate court.
 - Any contract between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION, IF ANY
EL DORADO COUNTY SUPERIOR COURT
DEPARTMENT 7
2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA

EL DORADO COUNTY SUPERIOR CT.

FILED March 14, 2005

PEOPLE OF THE STATE OF CALIFORNIA
vs.

Bahle
Deputy

DEFENDANT: RICHARD W HAMLIN

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, §136.2)

CASE NUMBER
P04CRF0132

☐ ORDER PENDING TRIAL

☐ MODIFICATION

☐ ORDER POST TRIAL PROBATION CONDITION

☐ DOMESTIC CASE
(Pen.Code Sec. 13700)

THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER

PERSON TO BE RESTRAINED (Name): RICHARD W HAMLIN

Sex: M Ht.: 6'0" Wt.: 230 lbs Hair Color: Brown Eye Color: Brown Race: W Age: 44 DOB: 04/15/1960

☐ The defendant is a peace officer with _____ Department.

1. This proceeding was heard
on (date): 03/14/05 at: 1:30 P.M. in Dept.: 2 Room:
by judicial officer (name): Eddie T. Keller
2. ☒ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant
- a. must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
 - b. must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within
 - (1) ☒ 24 hours after issuance of this order (if restrained person is present at hearing)
 - (2) ☐ 48 hours after service of this order (if restrained person is not present at hearing)
 - (3) ☐ other (specify):
- The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.
- c. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
 - d. ☒ must have no personal, telephonic, or written contact with the protected persons named below.
 - e. ☒ must have no contact with the protected persons named below through a third party, except an attorney of record.
 - f. ☒ must not come within 100 yards of the protected persons named below.
 - g. ☐ may have peaceful contact with the protected persons named above for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.
 - h. ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.
4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.
5. NAMES OF PROTECTED PERSONS:
SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN, JUDY SIEMER, ~~SIDNEY SIEMER, GLEN SIEMER AND TERRY AAL~~ and the residence of 2882 WEST COAST AVE, FRESNO, CA. EK
6. Other orders including stay-away orders from specific locations:
7. This order expires on (specify date): 3/17/05 at 1:30 pm
If no date is listed, this order expires three years from the date of issuance.

Date: 3/14/05

Eddie Keller

JUDICIAL OFFICER Department/Division:

WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. **NOTICE REGARDING FIREARMS.** Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
4. **ENFORCING THIS RESTRAINING ORDER IN CALIFORNIA**
 - This order shall be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement shall determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement shall advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Family Code, § 6383.)
5. **ENFORCING RESTRAINING ORDERS ACROSS STATE LINES.** Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid when the order appears authentic on its face. (Family Code, § 6380.5(a).)
6. **CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA).** The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
7. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 7 on the reverse.
 - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.
8. **CHILD CUSTODY AND VISITATION**
 - Child custody and visitation orders may be established or modified in Family, Juvenile or Probate court.
 - Any contract between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

GARY L. LACY
State Bar No. 108444
District Attorney
El Dorado County
515 Main Street
Placerville, CA 95667

Attorneys for Plaintiff

FILED March 14, 2005
B. D. B. B.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN

Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

DECLARATION IN
SUPPORT OF PROTECTIVE
ORDER

DEPARTMENT 2

STATE OF CALIFORNIA)
County of El Dorado) ss.

COMES NOW DECLARANT AND STATES AS FOLLOWS:

That she is a law enforcement official within the County of El Dorado, State of California, presently and was at all times pertinent to the above entitled cause.

That she is the prosecutor in the above entitled cause. That she has reason to believe, and does believe that the above-named person committed the following offenses: TORTURE, CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT (2 cnts.), SPEC ALLEG - GBI - DOMESTIC VIOLENCE, DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, CRIMINAL THREATS (2 cnts.), SPEC ALLEG-ARMED WITH FIREARM (2 cnts.) and CHILD ABUSE AND ENDANGERMENT (4 cnts.), violations of section(s) 206 PC,

1 273.5(A)/F2 PC (2 cnts.), 12022.7(E) PC, 246.3 PC, 422 PC (2 cnts.), 12022(A)(1) PC (2 cnts.)
2 and 273a(a) PC (4 cnts.), six felonies with special allegations.


3 That your declarant has read and reviewed police reports prepared by G. MURPHY and R.
4 STRASSER of the EL DORADO COUNTY SHERIFF'S OFFICE which are incorporated by
5 reference herein and which form the basis of your declarant's belief that the above named person
6 committed the above-referenced crimes.

7 That this strong suspicion is in part derived from those occurrences and statements of
8 percipient witnesses reasonably believed by your declarant to be truthful and reflects the true
9 belief of this declarant of the state of the facts in the cause now pending before the court. That
10 there are or may be certain additional facts known to this declarant which may or can be recited in
11 the proper court at a subsequent time should it be necessary.

12 Wherefore, it is prayed that this court issue a Protective Order pursuant to Penal Code
13 Section 136.2, protecting SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC
14 HAMLIN, RYAN HAMLIN, JUDY SIEMER, SIDNEY SIEMER, GLEN SIEMER AND
15 TERRY AAL and residence of 2882 WEST COAST AVE., FRESNO, CA

16 The foregoing is true and correct and is executed on this 14th day of March, 2005, under
17 pain and penalty of perjury.

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VICKI L. ASHWORTH
Deputy District Attorney

nt

vs. ~~and~~.

Page

Date: 03-14-05

[illegible]

MARKED "RETURNED". Deputy Clerk _____ Date: _____

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

FILED March 14, 2005
E *Bahlg*

5 Attorneys for Plaintiff
6

7 IN THE EL DORADO COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,
10 Plaintiff,

11 vs.

12
13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

SUPPLEMENTAL FACTUAL
STATEMENT RE:
JURISDICTIONAL ISSUE AS TO
COUNT FOUR

Hearing: March 14, 2005
Time: 1:30 p.m.
Department: 2

16 The People submit the following supplement to the factual basis contained in our original
17 response.

18 SUPPLEMENTAL STATEMENT OF RELEVANT FACTS

19 On February 4, 2005, Detective Strasser spoke to the victim, Susan Hamlin, regarding
20 additional information surrounding an incident on or about February 11, 2005 which revealed the
21 following:

22 Ms. Hamlin indicated that the night before (February 10, 2004), she and the defendant
23 were up late with the defendant trying to find out what Lisa Clum's connection was to Mr.
24 Siemer. During the course of that night, the defendant became angry, picked up a sword and
25 began waving it around the victim. At one point, the defendant held the point of the sword on
26 the victim's chest trying to get her to talk about a connection with Lisa Clum. While the
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1 defendant was waving the sword around, the victim's finger was badly cut. As the victim tried to
2 get away from the defendant, she jumped across the bed with the defendant pursuing her. The
3 defendant then stabbed the mattress, where the victim had just been, with the sword. The
4 defendant then made the victim write a note that would be put on Ms. Clum's body or her car
5 after she was killed.

6 The next morning, the defendant was on the computer searching for a map to the Clum's
7 home. Also, the defendant would not allow the victim to take the kids to school and instead had
8 the boys pack items such as paintball guns, a taser and the defendant's throwing knife into the
9 van. The girls were then dropped off at a neighbor's house while the boys, Ms. Hamlin and the
10 defendant headed off to find where the Clum's lived. Initially the victim was driving while the
11 defendant pointed his gun at her. Later, the defendant took over driving while the victim
12 attempted to find the Clum's home, using a map book, at the defendant's direction.

13 *March 14, 2005*
14 ~~December 22, 2004~~

Respectfully submitted:

15 GARY L. LACY
16 District Attorney

17 *[Signature]*
18 VICKI L. ASHWORTH
19 Deputy District Attorney
20
21
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25
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28

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION, IF ANY:
EL DORADO COUNTY SUPERIOR COURT
DEPARTMENT 7
2850 FAIRLANE COURT
PLACERVILLE, CALIFORNIA

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA
vs.

DEFENDANT: RICHARD W HAMLIN

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, §136.2)

☐ ORDER PENDING TRIAL

☐ ORDER POST TRIAL PROBATION CONDITION

☐ MODIFICATION

☐ DOMESTIC CASE
(Pen. Code Sec. 13700)

CASE NUMBER:
P04CRF0132

THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER

PERSON TO BE RESTRAINED (Name): RICHARD W HAMLIN

Sex: M Ht.: 6'0" Wt.: 230 lbs Hair Color: Brown Eye Color: Brown Race: W Age: 44 DOB: 04/15/1960

☐ The defendant is a peace officer with _____ Department.

1. This proceeding was heard
on (date): 03/14/05 at: 1:30 P.M. in Dept.: 2 Room:
by judicial officer (name): Eddie T. Keller
2. ☒ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant
- a. must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
 - b. **must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within**
 - (1) ☒ 24 hours after issuance of this order (if restrained person is present at hearing)
 - (2) ☐ 48 hours after service of this order (if restrained person is not present at hearing)
 - (3) ☐ other (specify):
- The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.**
- c. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
 - d. ☒ must have no personal, telephonic, or written contact with the protected persons named below.
 - e. ☒ must have no contact with the protected persons named below through a third party, except an attorney of record.
 - f. ☒ must not come within 100 yards of the protected persons named below.
 - g. ☐ may have peaceful contact with the protected persons named above for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.
 - h. ☐ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.

4. ☐ The protected person may record any prohibited communications made to him or her by the restrained person.

5. NAMES OF PROTECTED PERSONS:

SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN, JUDY SIEMER,
SIDNEY SIEMER, GLEN SIEMER AND TERRY AAL and the residence of 2882 WEST COAST AVE., FRESNO, CA.

6. Other orders including stay-away orders from specific locations:

7. This order expires on (specify date):
If no date is listed, this order expires three years from the date of issuance.

Date:

JUDICIAL OFFICER Department/Division:

WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION. Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. NOTICE REGARDING FIREARMS. Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
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6. CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA). The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforce as if it were an order of that jurisdiction.
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 - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.
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 - Child custody and visitation orders may be established or modified in Family, Juvenile or Probate court.
 - Any contract between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

1 **GARY L. LACY**
2 District Attorney
3 El Dorado County
4 515 Main Street
5 Placerville, California 95667
6 Telephone: (530) 621-6472

7 Attorneys for the Plaintiff

FILED
05 MAR -7 AM 10:50

EL DORADO COUNTY
SUPERIOR COURT

BY  DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD HAMLIN,

15 Defendant.

Case No. P04CRF0132

**PEOPLE'S RESPONSE TO
DEFENDANT'S MOTION TO
COMPEL ELECTION OF FACTS**

Hearing: 3/14/05
Time: 9:15 am
Dept: Two

16
17
18 To DEFENDANT RICHARD HAMLIN and his co-counsel of record,
19 DEPUTY PUBLIC DEFENDER ROBERT BANNING, the People herein respond
20 to Defendant's Motion to Compel Election of Facts as to Counts I
21 (PC 206 - TORTURE), II (PC 273.5 - CORPORAL INJURY TO SPOUSE), IV
22 (PC 422 - CRIMINAL THREATS), V (PC 422), VI (PC 273.5), VII (PC
23 273a(a) - CHILD ABUSE/ENDANGERMENT), VIII (PC 273a(a)), & IX (PC
24 273a(a)) as alleged in the Information. Defendant has not moved
25 to compel election as to Count III (246.3 - DISCHARGE OF FIREARM
26 WITH GROSS NEGLIGENCE).
27
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EK

LAW & ARGUMENT

A criminal defendant may demand election of facts when the People's evidence tends to show a larger number of offenses than have been charged in the Criminal Complaint, Indictment or Information. See generally, *People v. Jones* (1990) 51 Cal.3d 294; *People v. Salvato* (1991) 234 Cal.App.3d 872, 878. This rule does not apply, however, when the factual basis for the alleged offense is a 'continuous course of conduct' or when the criminal statute itself contemplates an offense based upon a number of illegal acts. *Id.* See also, *People v. Thompson* (1984) 160 Cal.App.3d 220. "[A]n election cannot be required where none is possible, as where the evidence is completely generic, or where the various acts do not constitute distinct potential crimes but rather one continuous course of criminal conduct." *Salvato* at 882. "[A] defendant has no right to notice of the specific time or place of an offense, so long as it occurred within the applicable time period. 'Beyond that,...the prosecution clearly has no duty to provide more explicit notice than human nature and science permit.'" *People v. Jones* (1990) 51 Cal.3d 294, 317; citing *People v. Gordon* (1985) 165 Cal.App.3d 839, 868-71. Courts have held that a continuing course of conduct exists where the wrongful acts were successive, compounding, interrelated, or aimed at a single objective. See, *People v. Dieguez* (2001) 89 Cal.App.4th 266, 275.

California appellate courts have addressed the concept of a continuing course of conduct in two closely-related situations: when reviewing whether a defendant was entitled to compel an election of facts prior to trial (see, *People v. Salvato* (1991)

1 234 Cal.App.3d 872), and; when reviewing whether CALJIC 17.01
2 (Unanimity Instruction) should have been given by the trial court
3 (see, *People v. Jenkins* (1994) 29 Cal.App.4th 287). The courts'
4 analytical approach to determining whether a continuing course of
5 conduct exists in each of these two situations, however, has been
6 identical. "Neither an election nor a unanimity instruction is
7 required when the crime falls within the "continuous conduct"
8 exception." *People v. Salvato* (1991) 234 Cal.App.3d 872, 882,
9 citing *People v. Diedrich* (1982) 31 Cal.3d 263, 281. See also,
10 *People v. Jones* (1990) 51 Cal.3d 294; *People v. Dieguez* (2001) 89
11 Cal.App.4th 266; *People v. Thompson* (1984) 160 Cal.App.3d 220;
12 *People v. Mota* (1981) 115 Cal.App.3d 227; *People v. Jenkins*
13 (1994) 29 Cal.App.4th 287. Therefore, cases addressing whether a
14 defendant was entitled to compel an election of facts prior to
15 trial and cases addressing whether the trial court should have
16 given CALJIC 17.01 provide equal guidance in either situation.

17 As noted above, defendant in the present case has moved to
18 compel an election of facts prior to trial. The People cannot,
19 however, comply with the defendant's request because the offenses
20 charged fall within the categorical exception to the rule of
21 election.

22 The 'continuous course of conduct' exception arises in two
23 contexts. The first is when the acts are so closely connected
24 that they form one transaction and result in a single charged
25 offense. See, *People v. Thompson* (1984) 160 Cal.App.3d 220, 224;
26 citing *People v. Mota* (1981) 115 Cal.App.3d 227, 231-34 (repeated
27 rape over course of one hour). The second situation where the
28 exception to the election rule applies is when the statute itself

1 contemplates a continuous course of conduct committed over a
2 period of time. *People v. Thompson* (1984) 160 Cal.App.3d 220,
3 224; citing *People v. Ewing* (1977) 72 Cal.App.3d 714, 717 (child
4 abuse). This exception requires the court examine the statutory
5 language of the offense charged to see if the legislature
6 intended to punish individual acts or entire courses of conduct.
7 *People v. Salvato* (1991) 234 Cal.App.3d 872, 882-83.

8 California courts have consistently held that statutes
9 prohibiting assaultive and/or abusive acts contemplate a
10 continuous course of conduct. Torture, as defined by PC 206 and
11 alleged in Count I of the Information in the present case, is a
12 statute that contemplates a continuous course of conduct. *People*
13 *v. Jenkins* (1994) 29 Cal.App.4th 287, 299-300 (holding CALJIC
14 17.01 not required because torture statute contemplates a
15 continuing course of conduct). Domestic violence, as defined by
16 PC 273.5 and charged in Counts II & VI of the Information in the
17 present case, is a statute that contemplates a continuing course
18 of conduct. *People v. Thompson* (1984) 160 Cal.App.3d 220. The
19 court in *Thompson* states: "Due process requires only that
20 defendants be given adequate notice of the charges against them
21 so that they may have a reasonable opportunity to prepare their
22 defense and not be taken by surprise at trial [citation
23 omitted]." *Thompson* at 226. As noted by the *Thompson* court,
24 Child Abuse, as defined by PC 273a(a) and charged in Counts VII,
25 VIII & IX of the Information in the present case, is also a
26 statute that contemplates a continuing course of conduct. See,
27 *People v. Thompson* (1984) 160 Cal.App.3d 220, 225-227; citing
28 *People v. Ewing* (1977) 72 Cal.App.3d 714, 717; see also, *People*

1 v. Alvina (1993) 14 Cal.App.4th 1303, 1311.

2 Criminal Threats, as defined by PC 422 and charged in Counts
3 IV & V of the Information is a statute that contemplates a single
4 criminal act and when requested by defendant prior to trial, the
5 People must elect the facts that form the basis for the charge.
6 *People v. Salvato* (1991) 234 Cal.App.3d 872, 883. The People
7 therefore provide the following guidance to defendant as to
8 Counts IV & V of the Information in the present case, which
9 allege violations of PC 422.

10 Facts Supporting Count IV

11 On or about the 11th day of February, 2004, defendant forced
12 his wife, victim Susan Hamlin, to drive him from El Dorado Hills
13 to and around Granite Bay and Roseville. Defendant repeatedly
14 assaulted victim and held her at gunpoint. While armed,
15 defendant told victim that he was going to shoot her in the head.

16 Facts Supporting Count V

17 On and between the 1st day of February and the 27th day of
18 February, 2004, defendant forced his wife, victim Susan Hamlin,
19 to sleep by his side while holding a loaded handgun pressed
20 against her. Defendant repeatedly told victim that he would
21 shoot and kill her.

22 DATED: March 7, 2004

23
24 Respectfully Submitted,

25 GARY L. LACY,
26 District Attorney

27 Joseph E. Alexander
28 Deputy District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 7, 2005 I served the within PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL ELECTION OF FACTS

on the parties in said action, by faxing a true copy thereof to PUBLIC DEFENDER, ESQ., at Fax Number: 642-9205.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 7, 2005 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On March 7, 2005 I served the within PEOPLE’S RESPONSE TO DEFENDANT’S
MOTION TO COMPEL ELECTION OF FACTS

on the parties in said action, by hand delivering a true copy thereof to:

RICHARD HAMLIN, ESQ.
EL DORADO COUNTY JAIL
PLACERVILLE, CA 95667

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on March 7, 2005 at Placerville, California.